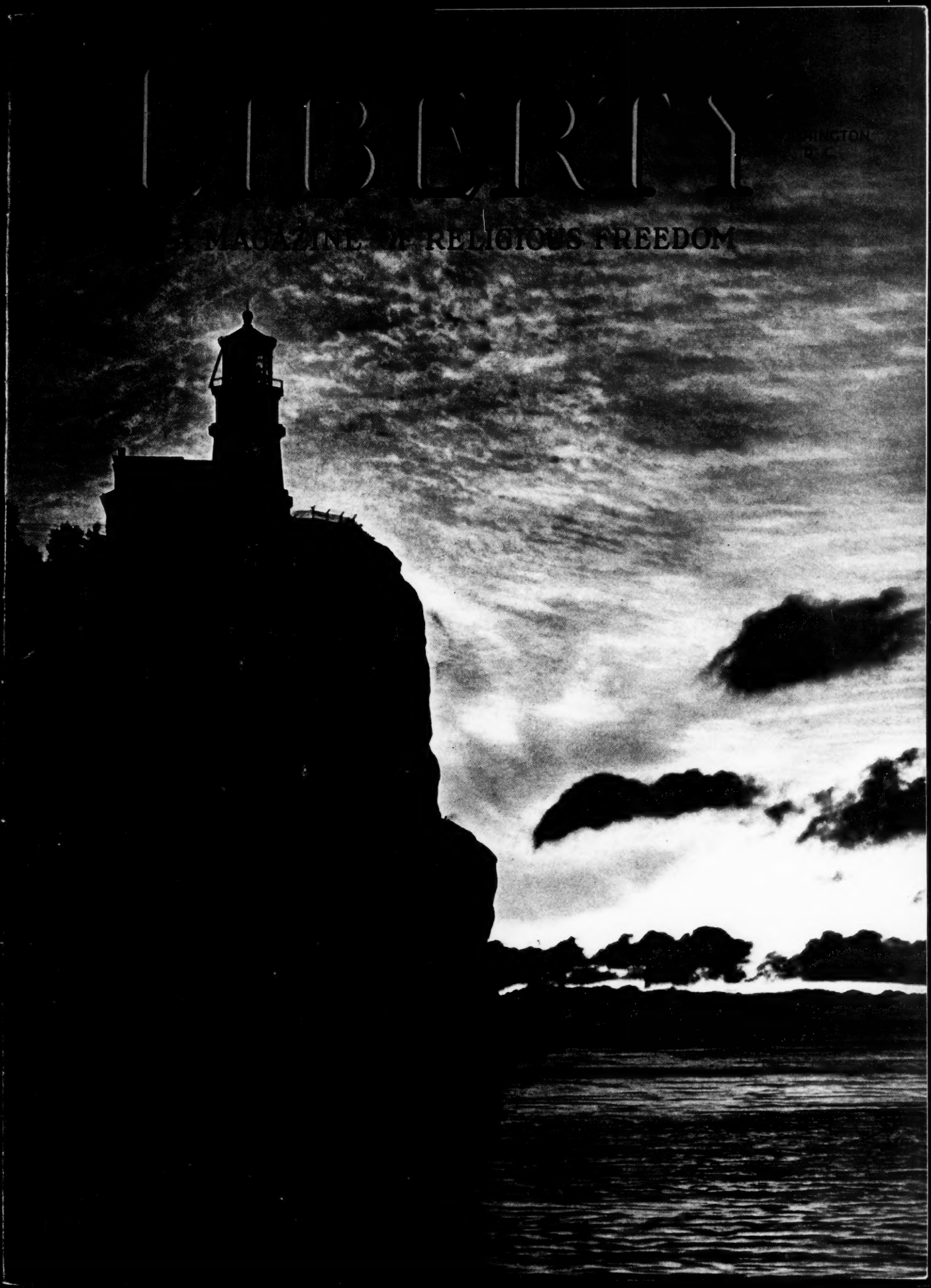
LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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DECLARATION of PRINCIPLES

RELIGIOUS LIBERTY ASSOCIATION

WE BELIEVE in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.

WE BELIEVE that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

WE BELIEVE that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.

WE BELIEVE in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.

WE BELIEVE it is the right and should be the privilege of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.

WE BELIEVE that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.

WE BELIEVE, therefore, that it is not within the province of civil government to legislate on religious questions.

WE BELIEVE it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.

WE BELIEVE in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.

WE BELIEVE in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

Religious Liberty Association, 6840 Eastern Avenue,
Takoma Park, Washington 12, D.C.

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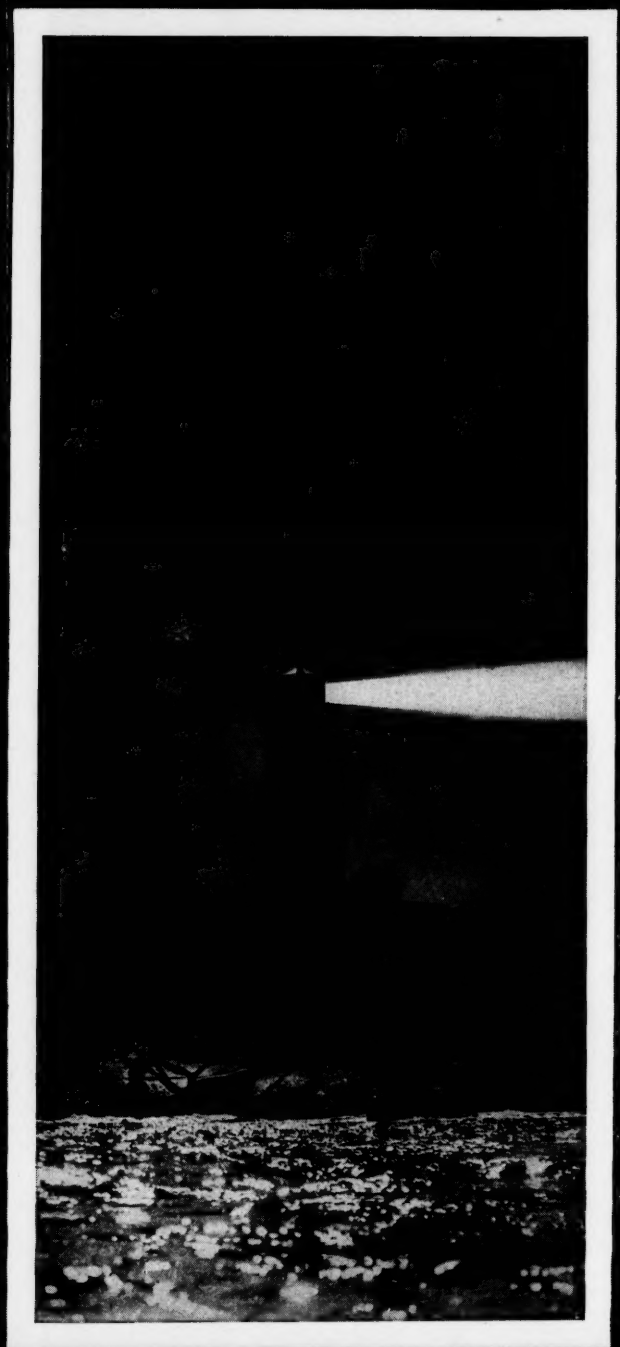
In This Issue

Vol. 43—No. 3
Third Quarter
1948

HEBER H. VOTAW—*Editor*
Associate Editors—C. S. Longacre, Frank H. Yost.
Office Editor—Merwin R. Thurber



COVER

ARTICLES

EDITORIALS

NEWS and COMMENT

Our Lighthouse Cover

For our cover this quarter we have turned from pictures of a strictly historical nature to one that pertains to the sea. This particular picture shows, silhouetted against the morning sun, Split Rock Lighthouse, on the shores of Lake Superior. Who of us has not listened with rapt attention when some doughty seaman has related in vivid words his most exciting experience. Equally thrilling and exciting are the episodes and tales told by ancient mariners of their dependence on the keepers of the beacons in the lighthouses on the shore. There is a tradition of faithfulness that these men uphold. Sometimes in an emergency, when the keeper was away and unable to reach his post of duty, his wife or his child has carried on, and kept the light burning. And so it is in the ranks of liberty-loving Americans. We must keep the torch of freedom burning brightly. The world is dark and the sea is tempestuous. The ship of state must ride safely into the haven of peaceful waters. Each one of us must ask himself the question, "Am I doing my part in holding aloft the light of liberty?"

LIBERTY is the successor of the American Sentinel, whose first number was published in 1886, at Oakland, California. Its name was changed in 1906, to LIBERTY, under which name it has been published quarterly by the Review and Herald Publishing Association, Takoma Park, Washington 12, D.C. Entered as second-class matter, May 1, 1906, at the post office at Washington, D.C., under the Act of Congress of March 3, 1879. Subscription rates—one year, $1; club of twelve subscriptions to separate addresses, $5; five or more copies mailed by publishers to five addresses or to one address, postpaid, each 20 cents. No subscription accepted for less than one year. Remit by post office money order (payable at Washington, D.C., Post Office), express order, or draft on New York. Cash should be sent in registered letter. When a change of address is desired, both old and new addresses must be given.

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Peggy's Cove in Nova Scotia

E. LEVICK, FROM F. LEWIS

H. GARRISON

BOHNSEN. FROM MONKMEYER

The Serious Problem of Church and State

By THE REVEREND W. NORMAN PITTENGER

ONE OF THE PROBLEMS that has accompanied the progress of all "high" religion—by which we mean all religion which has become moralized through a prophetic tradition and related to the ultimate issues of good and evil, in their final cosmic setting—is the relation it shall sustain to the governing powers of the state, nation, or other dominant authority, in the midst of which it finds its place. The Christian religion has been no exception to this rule.

From the early days, when it emerged from the womb of Judaism as an independent and separate faith, Christianity has been obliged to come to some kind of terms with the civil power. At first, when the Christian way seemed to many to represent an actual menace to the security of the state, there was a period of persecution—the church was imperiled because it adopted so intransigent an attitude to the demands of the Roman Government in so many ways. But as the years went on, a process of accommodation took place; long before the actual recognition of the church by the empire, there were periods when the relations between the two were fairly easy and peaceful. At length, with the conversion of Constantine, Christianity became the official religion of the Roman Empire. From one point of view, its "time of troubles" (to use Dr. Toynbee's now famous phrase) seemed at an end; but discerning minds can see that from another point of view—and shall we say a deeper—its "time of troubles" had really begun.

For the persecution by sword, which had marked its earlier history, was now succeeded by another, but not less insidious, form of persecution. "Persecution by praise" met the church—and unhappily, it was all too often not understood as persecution but considered a fine and desirable thing. Yet the result of the adoption of Christianity as an official religion was, as all historians are well aware, the dilution of the primitive Christian witness. Christianity was indeed accommodated to the civil authority, and became in the process all too accommodating. No longer could the contrast between the "flock of Christ" and the "world" be seen, as it was portrayed by the Johannine writer in the New Testament, as a contrast between light and darkness. It was all a rather thin and vague sort of gray, and Christianity, in its ecclesiastical expression, seemed to have lost its cutting edge.

We today are facing a problem which is not unlike that of the past; in fact, our problem is simply a continuation of the perennial one, of accommodation to the authority of the state, the extent to which this is

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These Well-kept and Exquisite Gardens Help to Beautify the Grounds of the Governor's Palace in Williamsburg, Virginia

right, the degree to which church and state are to be seen as cooperative, the degree to which they are to be seen as competitive, the fashion in which their several spheres of activity are to impinge one on the other. As many penetrating writers saw, twenty-five or even fifty years ago, the problem of church and state is the most serious one which we face today; that is, if we grant the two major premises, that Christianity is true, and that the civil authority is necessary.

A recent editorial in the *Christian Century* has put the theory which has controlled American thought on this subject in the following carefully chosen words: "By the separation of church and state is meant the constitutional provision which forbids the making of any law, and therefore the taking of any executive action, that involves the interlocking of the official functions of the state with the official or institutional functions of any church." This appears to be an admirable statement of the principle which was established by our founding fathers, which is embodied in the Constitution of the United States, and which has been maintained through more than one hundred and fifty years of American history. Our question today is this: Do we still accept this principle, and are we alert to see that it shall be maintained with vigor in our own time?

Let us not delude ourselves into thinking that this is an *ideal* solution of the perennial problem. Americans have a tendency to assume that anything which has traditionally been part of their way of life is by that very token entirely perfect. This is not necessarily so, and it would be well if we learned that truth and profited by the lesson. But in this particular instance we may well believe—and I for one do believe—that the traditional American principle is the soundest practicable working solution of the problem that we in America can envisage. In other lands it may be otherwise; we are not called upon to judge. But in this country we have a long experience to testify, not only to the theoretical soundness of the principle as a working solution, but also to its practical value in guaranteeing to every man that freedom of conscience, and to every religious group that right to employ persuasive and charitable means of influence and growth—and *only* those means—which are not only in accord with the soundest understanding of what moral theologians call "the law of nature" but also with the deepest perception of the essential nature of Christianity as a religion of love, not of force.

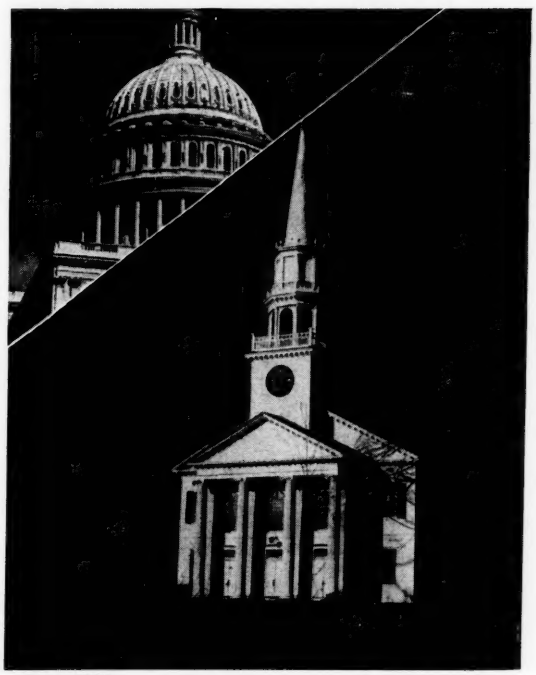
For this reason we shall do well to scrutinize all legislation, all executive action, any and every move, either by civil authority or by religious leaders or groups, in order to determine to what extent these are in accord with our fundamental principle. This is the one way in which we can secure for the future that which has been so precious in the past—the autonomy of the church, the preservation of the truly Christian conception of man's nature and behavior, and the vitality of a national life which insists upon the freedom of man religiously, even while it also demands that he shall live in peace and concord with his neighbors, respecting their freedom as he would have them respect his.

EWING GALLOWAY

Freedom of Worship Is Our Most Cherished Possession

The First Step Toward Church and State Union

By FRANCIS D. NICHOL



BLUE. LAMBERT

THE MAN WHO says the union of church and state is bad for both and is a menace to religious liberty is sure to find someone asking incredulously: Why make a bogey of a little cooperation between church and state? Can't the state and the church work together in joint endeavors without there being any dangerous union of the two and without any danger to religious liberty? If it be a Protestant who views church-state union with alarm, the inquiry will probably take this form: Why should Protestants view with such alarm the Catholic endeavor to secure certain aid from the state to run their schools or other institutions? Has not the Catholic Church declared emphatically that it seeks no union of church and state in the United States?

We very much need a correct answer to these questions in this country today, and for at least three reasons: First, most active endeavors are being made by certain religious organizations to secure government money. Secondly, the Government is seeking to make tax money available to religious organizations. For example, a current bill in Congress would make Federal funds available for parochial schools. Thirdly, the United States has been a citadel of liberty for many years, and any move that might weaken the strong position this country has held in the past would be a tragic move in this day when liberty of body and soul are threatened in various parts of the world.

This article will seek to establish two main points. First, that religious liberty is the fruit that grows on a tree called separation of church and state. Secondly, that if a branch of church-state union is grafted on, it will bear fruit that may be poisonous or perhaps only acid, but always strange and unhealthful, even though the branch draws its sustenance from a pure stock and root. And that is why we should guard against any grafting of such branches onto the historic tree of church-state separation that was planted by the founding fathers at the beginning of our national history. Otherwise, by the simple addition of one church-state graft after another we shall witness in our Government what we sometimes witness in our orchards, the stock of one species supplying the nourishment for the fruit of a wholly different species.

Now, the question of whether absolute separation of church and state is vital is not one that must be confined to the area of abstract debate. The laboratory of history provides a colorful answer, and the color is sometimes red like unto blood. Let history speak.

For the first three hundred years of the Christian Era the church was a persecuted sect, often driven underground by the heavy heel of pagan emperors who delighted in inflicting sadistic punishment on those who gave allegiance to Christ. Then came one of those incredible events in history. The emperor Constantine, fighting against a rival, is alleged to

have seen a cross in the heavens, and under it the words: "In this sign conquer." The result was that Christianity suddenly came into favor. The emperor began to shower churches and bishops with bounties, grants, and other evidences of his favor.

It is easy to see why Constantine would give the gifts, and equally easy to see why the church would accept them. But what neither the emperor nor the bishops could see was that these gifts would have an evil effect upon both the state and the church. George Whitefield, mighty English preacher of long ago, well observed that when Constantine began to surround the church with gifts, "it was soon hugged to death." And John Milton, who was a statesman as well as a poet, is quoted by Whitefield as declaring that when Constantine began to shower bounties, church buildings, rich vestments, and the like, upon the church, "there was a voice heard from heaven, saying, this day there is a poison come into the church."—*The Protestant Pulpit,* p. 34.

What the church of the early centuries at first accepted thankfully from the emperors as gifts it later demanded haughtily as rights. Why should not the state favor the church? Is not the church indispensable to the very stability of society, and thus to the state? Those questions seemed to permit only one answer, and that answer seemed to have in it always a metallic overtone, the ring of gold.

The developing conception of church-state relationship soon moved on from the idea that the state should financially favor the church to the related idea that the state should protect the church. Why not? The logic that warranted financial and other material aid equally warranted a policy of active protection of the church by the strong arm of the state. Why should not the state protect that which it considered valuable enough to support financially?

But the doctrine of state protection for the church had in it more than was at first evident. The definitely organized church, growing larger and stronger, but not thereby purer or more Christlike, began to view with hostile eye those segments of Christianity that challenged its churchly authority. Heretics were the fifth columnists of medieval times, according to the church's conception. Did they not endanger the very life of the church by challenging its authority and

America does not consist of groups. A man who thinks of himself as belonging to a particular national group in America has not yet become an American. — *Woodrow Wilson*

EWING GALLOWAY

seeking to draw men from it? Hence, if the state was committed to the policy of protecting the church, must it not therefore punish the heretics, even as fifth columnists and traitors should be punished?

Thus the church reasoned, and called upon the state to suppress heresy. And to that call the state responded time and again over long centuries. Because of that protective arrangement the church could say, as it repeatedly has said, that it never punished heretics—the state did that. And also because of the reasoning that underlies this whole medieval conception of church-state relationship, a most plausible case has been made out for persecution. Persecution, in that context, simply becomes the extreme physical display of state support and protection for the church.

However, when the church came to that point in its strange development through the centuries where it invoked persecution for heretics, a vicious circle was completed. The circle, which first began to be traced in the blood of martyred Christians in early Roman centuries, swept in a wide upward arc until the church came into favor with the state, and then curved downward as favor congealed into protection, and protection into persecution of all who opposed the church.

This, in broad aspect, was the evolution of the church during the ever darkening centuries after Constantine. But the developing idea of church-state relationship, with the church favored and dominant, suffered some setbacks along the way. While the interlocking of the two grew apace, it was not always the church that was in the ascendancy. Some rulers of the Holy Roman Empire—a medieval, ghostly form of the ancient empire—allowed their desire for power to exceed their yearning for piety. The result was that secular rulers sought, at times, to dictate to the church. They reasoned that if they provided the financial aid and protection, they should have something to say about the operation of affairs. Hence, for example, we find rulers claiming the right to appoint the bishops who should officiate in their realms.

Thus the long medieval history of the church is a record of varying degrees of church-state union, sometimes with the state in the ascendancy, more often with the church in control, and always with the religious dissenter oscillating between toleration and persecution. How could the dissenter possibly have a

EWING GALLOWAY

secure status in law in view of the premises on which church and state relationship were conceived? Nowhere did there seem to exist the idea that church and state should be separate.

Now, lest any reader think that all this sorry kind of church and state relationship was peculiar to one branch of Christendom, and that all has been ideal through the centuries in Protestant lands, certain facts should be set down for the record. In the great religious revolution of the sixteenth century, known in Protestantism as the Reformation, no basically new conception of church-state relation was announced. True, the Protestant princes of Germany and other Northern European lands fought for separation from the Church of Rome, because they considered it the false religion, but those princes had no idea of separating church and state in the bargain. Northern Europe produced instead a church-state union in terms, not of Christendom as a whole, but of separate nations. As might be expected, the history of Protestant lands is not a lily-white picture of religious liberty in bloom in every generation and in all those lands. Far from it. Persecution has marred the history of Protestant countries. How could it be otherwise when church and state were united?

To the extent that Protestant prelates sought to exalt their office, or to the extent that fanatical fervor led them to feel that God had called them to stamp out heresy and exalt what they conceived to be the true church, to that extent they were ever under the temptation to call upon the state to suppress heresy. The differing temperaments and convictions of bishops varied the picture as to oppression of heretics but did not alter the principle. That principle, as real in most European Protestant states as it had ever been in Catholic ones, is that the state has a real and solemn duty to protect the church. That principle, it need hardly be remarked, stands as the mortal enemy of religious liberty for all who happen to dissent from the state-favored church.

In the setting of these facts we can best understand why the United States of America is truly a land of religious liberty. In this land there has existed since the beginning of its national life, the doctrine of the absolute separation of church and state. And why was this separation set down as a basic principle of government and incorporated in the fundamental law of the land? Because America had before it the sorry exhibit of church-state unions in Europe, and also in the American colonies themselves. It was not by accident, or merely to add flowery words, that the Bill of Rights begins with the declaration: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The first half of this statement forbids giving any favoring, protective aid or support to any religion, any church. The second half prevents the suppression of any religion. One part is the complement of the other. The favoring of a certain church has almost invariably led to suppression of any opposing churches. The First Amendment to the Constitution seeks to meet both aspects of the evil by condemning and outlawing both.

It is in the light of history also that we best understand why the United States has seemed to bend backward at times to maintain the doctrine of separation of church and state. All medieval history testifies that no nation arrives at the destination of complete church-state union at one jump. Instead, there has been a succession of steps, some small, some large. Here applies fully the old adage that it is the first step that counts, for the first step sets the direction for the succeeding steps.

It is no mere accident that this country for more than a century and a half has succeeded in maintaining a separation of church and state. A study of Supreme Court records will reveal an amazing number of decisions that not only command the respect of all who love religious liberty but also provide an explanation for the wide-sweeping character of this liberty that we possess. The Supreme Court justices have rather generally proceeded on the principle set down by the founding fathers—that we must take alarm at the first threat to our liberties, and that we must deny the conclusions of all who would breach those liberties by denying the premise on which their false reasoning rests. The Court was invoking no new principle of American law, no new principle of church-state relation when, for example, it recently declared in the Champaign district school case that a public schoolroom could not be used for the teaching of religion. Only those who are forgetful of the insidious way in which church-state union has been

I shall never be able to pay my country the debt of gratitude I owe for what she has done for me, but I have tried to repay her by my work.
— William S. Knudsen

developed in various lands, will declare that in this Champaign case the Court was bending too far backward.

Today, perhaps more than at any previous time in the history of the United States, the age-old problem of church-and-state relations looms up to trouble citizens, legislators, and courts. This country is taking an increasingly paternalistic attitude toward the citizenry in matters of social welfare and in many other matters. One of the specific illustrations of how the problem of separation of church and state enters the picture today is in the matter of Federal aid to church institutions that render what might be described as a public service; for example, church schools, orphanages, hospitals.

Not only do many legislators wish to enact such aid into law, but some churchmen, quite understandably, wish to see such aid made legal. To these churchmen the question is not one of union of church and state. Indeed, they affirm most earnestly that they believe that the church and the state occupy separate spheres where each is supreme, and that one should not impose its will upon the other. Certainly not in the United States. They view state aid to church institutions as simply a form of friendly interest that the state should show toward the church. They call attention to the fact that the state and the church have "authority over the same subjects," and that therefore state and church might properly combine to do a certain service in behalf of those "same subjects." (See Encyclical "Immortale Dei," by Leo XIII.)

Such reasoning sounds plausible. But when tested in the laboratory of history it proves defective. When two go into partnership in an endeavor, sharing cash and time, there develops in fact, if not immediately in name, a very real kind of union. What is more, the one who lays down the cash for the support of a project that he does not consider his prime responsibility—for example, a state gift to a church school—is likely to exact in return a controlling voice in the partnership. Church and state have never been brought into active partnership without at least potential damage to the doctrine of the separation of church and state. What the state supports it is ultimately obliged to supervise. To do less would be to default in the execution of a public duty with public funds. The Supreme Court has made this clear, though we hardly needed a Court decision to establish this.

Of course it could be argued that the church might prove strong enough to resist supervision and finally to dictate to its beneficiary. But no matter which one is in the ascendancy, there is no longer truly a separation of church and state. A bridge has been established. And the sinister import of that bridging is evident when we remember that the inception of church-state union was the giving of gifts to the church when Constantine turned to Christianity.

The partnership idea is the most subtle, and hence the most dangerous, form of incipient church-state union. Obviously the church and state both have an interest in the mortals who constitute at once the subjects of the state and the constituency of the church. Granted that there is a twilight zone where the two spheres come close together. Shall the church therefore invite the danger of alliance by seeking out opportunities of contact with the state in that dim zone? The man who must travel in the dusk travels most safely by keeping as far as possible to his own side of the road. The church was not created by its Divine Author as a pale, humanitarian duplicate of the state, functioning in the area of social-welfare activities, and simply giving to those activities the faint aroma of sentiment and ritual. If that were its function, then well might the state and the church set up a partnership.

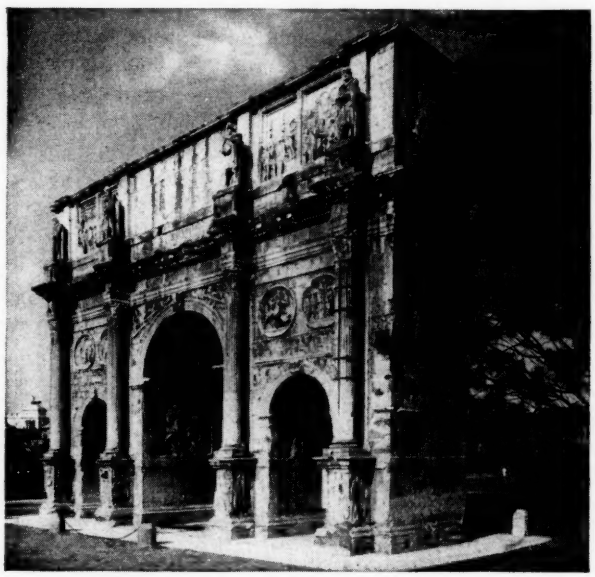
But the church was created for a wholly different purpose, to preach a certain message and to prepare men for the kingdom of God. Said Christ, "My kingdom is not of this world." To accomplish its divine objective, the church has founded meeting places for divine services. And to further that same objective, it has very properly founded such institutions as schools, orphanages, hospitals. Sometimes the reason for the founding has been forgotten, and thus the emphasis in the institution changed. And to that extent the dividing line between church and state becomes increasingly dim, and thus is most likely to be crossed.

The Arch of Constantine in Rome

Constantine came to power in the Roman Empire when several factions were struggling for the supremacy. His immediate predecessor had inaugurated against the Christians an era of persecution unequaled up to his time. When Constantine gained control of the imperial powers he set about bringing peace to the troubled realm. He saw in Christianity a force to be reckoned with, and immediately set about winning the church to his policy of organization and unity. The favors of state which he showered upon the church succeeded at last in making the Christian religion an instrument of the government—or at times even its master—to the embarrassment and corruption of both.

But when the white light of the gospel burns brightly in those institutions, their distinctive character stands out, the twilight tends to disappear, and the line between church and state becomes increasingly clear and well defined.

The theory of state aid to the church because of its social welfare activities is really only a new form of the medieval theory that the state should favor and support the church because the church, *per se,* is vital to the stability of society and thus to the very life of the state. If anything, the medieval argument seems more substantial than its modern counterpart. At least it is more simple, more frank, and shall we say, more honest. The medieval churchman need not make special ledger entries or set up a new logic to justify his use of the state's money. The modern churchman who argues for state aid to the church's social-welfare activities while affirming belief in the separation of church and state, must admit that if such state aid is given, it will permit the church to divert more of its funds to obviously church work! If the state will build the new parochial school building—and why not as logically secure state funds to



build as well as to operate?—then the church may have enough money available in its treasury to erect a new church building. Has not the state, therefore, actually helped the church to build its new church structure? And is not the erecting of a church edifice a definitely religious act?

Perhaps someone may ask right here: If there is really to be no partnership, if church and state should never cooperate in a common objective, would you therefore say that the church should not call the policeman to quell a riot in its assembly, or the fireman to quench a fire in its parochial school building?

I think there is no proper parallel between sending a government check to a church for its school building and sending a policeman or fireman to that same building. If our reasoning thus far is sound, the sending of state money involves the state in a partial underwriting of a definitely church activity. But the sending of a policeman or a fireman does not. The maintenance of order and physical safety is most certainly a state function, a function that may properly be exercised without trespass wherever order and safety are endangered. It is certainly not the duty of the church to maintain a police force or a fire department. The minister is not going into partnership with the state when he calls to the attention of a policeman or a fireman or any other state official a situation that it is properly the duty of that official to deal with. For the minister to fail to call upon the state to perform those duties that lie in its sphere, would mean that the minister really did not believe that the state had any proper sphere. Surely the inspired command, "Render therefore unto Caesar the things which are Caesar's," includes not simply the right but the duty to phone to Caesar that his services are needed to subdue a madman in a church or a fire in the parochial school building.

If it be objected, in passing, that the church does not pay taxes, and therefore should not invoke the protection of the policeman or the fireman, two observations may be made in reply. First, the state's responsibility for the physical safety of the citizenry is an inherent responsibility and is not created by the money paid to it by the citizenry. Otherwise, the citizens who pay large taxes would be entitled to much more protection than those who pay little. And what would be the sorry status of the inmates of the poor house? Second, the church members, whose personal safety or church property is endangered, are also citizens of the state and pay taxes to Caesar. In calling the policeman or fireman to the church premises they are simply receiving those proper dividends on their taxes to which all men are entitled. A man does not forfeit his rights as a citizen of an earthly kingdom because he holds citizenship in the kingdom of God.

Now, perhaps some reader may feel to base a general objection to the whole thesis of this article on the fact that in some lands where church and state are united there is found today no distressing oppression of religious minorities, no terrible fruitage of evil for church or state. Let us examine this objection.

In some lands where church-state union exists the idea of democracy has developed strongly in recent generations. This has introduced a modifying factor in governments that were formerly absolute monarchies. Again, in various of these countries the state

church does not have such a dominant or controlling majority as in former times. That fact, added to the democratic form of government, creates a very real check on oppressive action against minorities or too extreme a union of church and state.

Then too, even lands that have church-and-state union are not impervious to the penetrating light of good ideas, ideas of the freedom of the soul of man and his inalienable right to worship God as he chooses. Those ideas have long been radiating out from a western land called America. And those rays have lighted up the dark and devious ways of church-state union and revealed their unsavory character. Even those who are committed to evil ways, and certainly those who find themselves simply tempted to evil, are often kept back from such ways by a bright light. In many lands of church-state union men who might otherwise logically walk in the path of the medieval church and use the state to persecute minorities, are checked in their own thinking by the example of a different way of life revealed in a land where the phenomenon of church-state separation is followed. In this, as in many other matters of life, men often live better than the logic of their creeds.

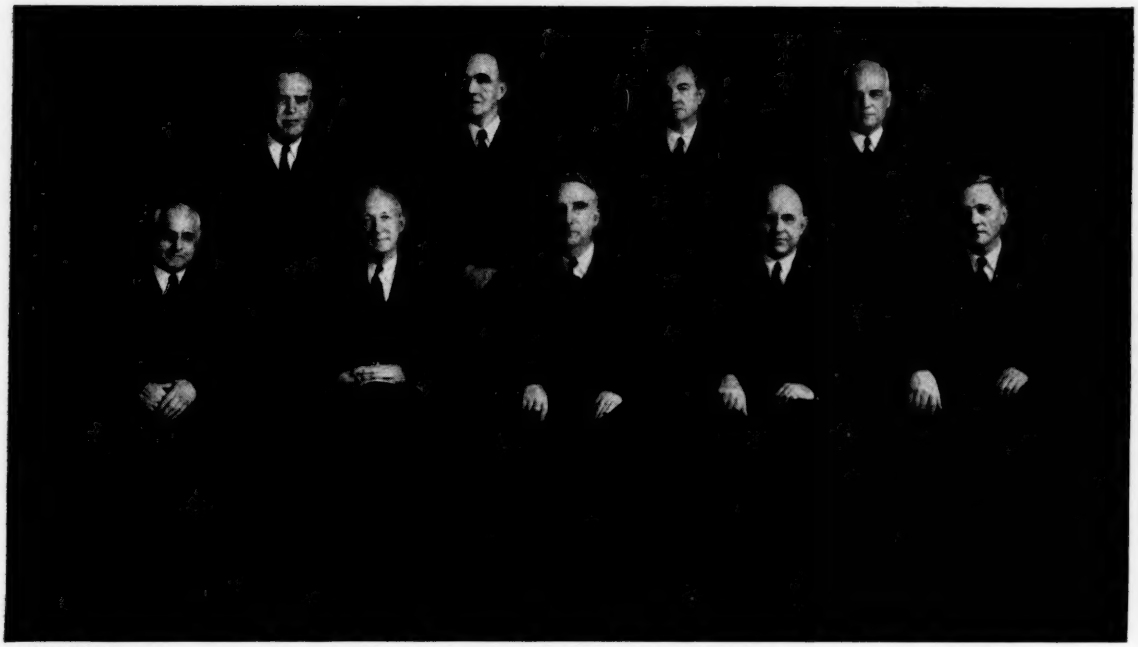
Those who contend that church-state union is harmless, simply because it presently creates no grave condition, are like those who contend that a particular disease cannot really be serious because some who are known to harbor its germs are now enjoying fair health. No doctor would agree that the tubercle bacillus is a friendly germ simply because some person who once nearly died of tuberculosis now holds that malady in check. The danger of a germ is determined rather by its long history, by the mortality rate it establishes, and by the constant threat it makes even to those who now seem to have recovered from it. So long as the germ lurks within, there is potential danger. A changed environment and diet, a weakened constitution, and the apparently well individual once more succumbs to the dread germs. The same is true of the body politic in relation to church-state union.

Or to change the figure. Church-state union might be likened to a dank, evil-smelling morass that has resulted from the encroachment of the sea upon the land. In that quagmire dissenting minorities have disappeared, and civilizations have foundered. From its slimy surface have arisen foul miasmas to poison the life of men and nations. In modern times some parts of the bogland seem quite firm and dry. From these dry areas arises scarce a trace of poisonous vapors. But who would say that the evil of the bog has disappeared in those parts now apparently firm to the feet, so long as no dikes have been erected to prevent the seepage of the sea? So fickle a thing as a change of the wind might drive the water over the apparently solid ground and quickly change it into a quagmire once more.

The history of church-state union demands that we take alarm at the first encroachment of the sea upon the land, the first attempt to take the solid ground from under our feet. Sea and land both have their places, but their places are not together, and the more sharply the coast line is defined, the safer are the inhabitants.

NATIONAL ARCHIVES PHOTO

The Pennsylvania Avenue Entrance to the United States Archives Building in Washington, D.C. Here the Nation's Most Valuable Records Are Kept



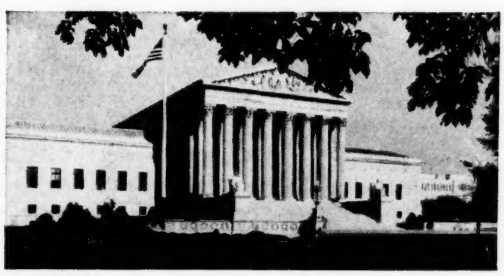
HARRIS & EWING

Back Row, Left to Right: Associate Justices, Wiley B. Rutledge, Frank Murphy, Robert H. Jackson, Harold H. Burton. Front Row, Left to Right: Associate Justices, Felix Frankfurter, Hugo L. Black, Chief Justice, Frederick M. Vinson, and Associate Justices, Stanley F. Reed, William O. Douglas.

The Teaching of Religion in Public Schools

The Decision of the Supreme Court of the United States on Released Time

THE DECISION of the Supreme Court in the case of *People of the State of Illinois ex rel. Vashti McCollum, Appellant,* v. *Board of Education of School District No. 71, Champaign County, Illinois et al.,* handed down on March 8, prohibits the teaching of religion in public schools. By an eight-to-one majority the justices ruled that the teaching of religion in tax-supported schools is a union of church and state which is prohibited by the First Amendment to the Constitution.



T. K. MARTIN

The Supreme Court Building

May we be allowed to hazard this guess? There will doubtless be other cases brought for purposes of clarification of details, but the broad principles have been set forth, and those who are convinced that a union of church and state is harmful to both are glad for this good decision.

LIBERTY has consistently held that if the state may compel children to go to school under the truancy laws to be taught religion, there is no reason why the power of the state should not be used to compel attendance at church. Far from hurting religion, this decision ought to be helpful to it. The opinion does not evince any hostility toward religion, as the justices said in the majority opinion: "To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not . . . manifest a governmental hostility to religion or religious teachings."

The opinion is short and because many of our readers might not have an opportunity to see it otherwise, we present it here:

"MR. JUSTICE BLACK delivered the opinion of the Court.

"This case relates to the power of a state to utilize its tax-supported public school system in aid of religious instruction insofar as that power may be restricted by the First and Fourteenth Amendments to the Federal Constitution.

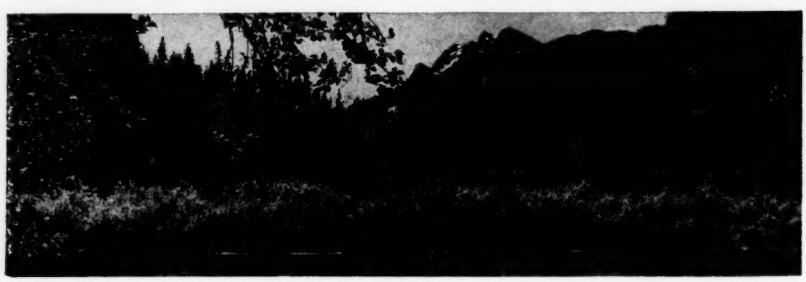
"The appellant, Vashti McCollum, began this action for mandamus against the Champaign Board of Education in the Circuit Court of Champaign County, Illinois. Her asserted interest was that of a resident and taxpayer of Champaign and of a parent whose child was then enrolled in the Champaign public schools. Illinois has a compulsory education law which, with exceptions, requires parents to send their children, aged seven to sixteen, to its tax-supported public schools where the children are to remain in attendance during the hours when the schools are regularly in session. Parents who violate this law commit a misdemeanor punishable by fine unless the children attend private or parochial schools which meet educational standards fixed by the State. District boards of education are given general supervisory powers over the use of the public school buildings within the school district. Ill. Rev. Stat. ch. 122, § § 123, 301 (1943).

"Appellant's petition for mandamus alleged that religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching, and then and there for a period of thirty minutes substitute their religious teaching for the secular education provided under the compulsory education law. The petitioner charged that this joint public-school religious-group program violated the First and Fourteenth Amendments to the United States Constitution. The prayer of her petition was that the Board of Education be ordered to 'adopt and enforce rules and regulations prohibiting all instruction in and teaching of all religious education in all public schools in Champaign District Number 71, . . . and in all public school houses and buildings in said district when occupied by public schools.'

"The board first moved to dismiss the petition on the ground that under Illinois law appellant had not standing to maintain the action. This motion was denied. An answer was then filed, which admitted that regular weekly religious instruction was given during school hours to those pupils whose parents consented and that those pupils were released temporarily from their regular secular classes for the limited purpose of attending the religious classes. The answer denied that this coordinated program of religious instruction violated the State or Federal Constitution. Much evidence was heard, findings of fact were made, after which the petition for mandamus was denied on the ground that the school's religious instruction program violated neither the federal nor state constitutional provisions invoked by the appellant. On appeal the State Supreme Court affirmed. 396 Ill. 14. Appellant appealed to this Court under 28 U. S. C. § 344 (a), and we noted probable jurisdiction. 332 U. S.—.

"The appellee presses a motion to dismiss the appeal on several grounds, the first of which is that the judgment of the State Supreme Court does not draw in question the 'validity of a statute of any State' as required by 28 U. S. C. § 344 (a). This contention rests on the admitted fact that the challenged program of religious instruction was not expressly authorized by statute. But the State Supreme Court has sustained the validity of the program on the ground that the Illinois statutes granted the board authority to establish such a program. This holding is sufficient to show that the validity of an Illinois statute was drawn in question within the meaning of 28 U. S. C. § 344 (a). *Hamilton* v. *Regents of U. of Cal.*, 293 U. S. 245, 258. A second ground for the motion to dismiss is that the appellant lacks standing to maintain the action, a ground which is also without merit. *Coleman* v. *Miller*, 307 U. S. 433, 443, 445, 464. A third ground for the motion is that the appellant failed properly to present in the State Supreme Court her challenge that the state program violated the Federal Constitution. But in view of the express rulings of both state courts on this question, the argument cannot be successfully maintained. The motion to dismiss the appeal is denied.

"Although there are disputes between the parties as to various inferences that may or may not properly be drawn from the evidence concerning the religious program, the following facts are shown by the record



ERIC WAHLEEN

H. M. LAMBERT

The Question of Education Is Vitally Connected With the Problems of Government

without dispute.[1] In 1940 interested members of the Jewish, Roman Catholic, and a few of the Protestant faith formed a voluntary association called the Champaign Council on Religious Education. They obtained permission from the Board of Education to offer classes in religious instruction to public school pupils in grades four to nine inclusive. Classes were made up of pupils whose parents signed printed cards requesting that their children be permitted to attend;[2] they were held weekly, thirty minutes for the lower grades, forty-five minutes for the higher. The council employed the religious teachers at no expense to the school authorities, but the instructors were subject to the approval and supervision of the superintendent of schools.[3] The classes were taught in three separate religious groups by Protestant teachers,[4] Catholic priests, and a Jewish rabbi, although for the past several years there have apparently been no classes instructed in the Jewish religion. Classes were conducted in the regular classrooms of the school building. Students who did not choose to take the religious instruction were not released from public school duties; they were required to leave their classrooms and go to some other place in the school building for pursuit of their secular studies. On the other hand, students who were released from secular study for the religious instructions were required to be present at the religious classes. Reports of their presence or absence were to be made to their secular teachers.[5]

"The foregoing facts, without reference to others that appear in the record, show the use of tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council in promoting religious education. The operation of the state's compulsory education system thus assists and is integrated with the program of religious instruction carried on by separate reli-

"[1] Appellant, taking issue with the facts found by the Illinois courts, argues that the religious education program in question is invalid under the Federal Constitution for any one of the following reasons: (1) In actual practice certain Protestant groups have obtained an overshadowing advantage in the propagation of their faiths over other Protestant sects; (2) the religious education program was voluntary in name only because in fact subtle pressures were brought to bear on the students to force them to participate in it; and (3) the power given the school superintendent to reject teachers selected by religious groups and the power given the local Council on Religious Education to determine which religious faiths should participate in the program was a prior censorship of religion.

"In view of our decision we find it unnecessary to consider these arguments or the disputed facts upon which they depend.

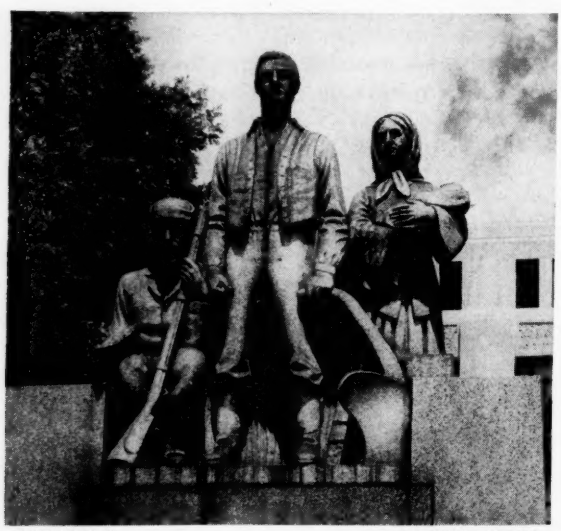
"[2] The Supreme Court described the request card system as follows: . . . 'Admission to the classes was to be allowed only upon the express written request of parents, and then only to classes designated by the parents. . . . Cards were distributed to the parents of elementary students by the public-school teachers requesting them to indicate whether they desired their children to receive religious education. After being filled out, the cards were returned to the teachers of religious education classes either by the public-school teachers or the children. . . .' On this subject the trial court found that '. . . those students who have obtained the written consent of their parents therefor are released by the school authorities from their secular work, and in the grade schools for a period of thirty minutes' instruction in each week during said school hours, and forty-five minutes during each week in the junior high school, receive training in religious education. . . . Certain cards are used for obtaining permission of parents for their children to take said religious instruction courses, and they are made available through the offices of the superintendent of schools and through the hands of principals and teachers to the pupils of the school district. Said cards are prepared at the cost of the council of religious education. The handling and distribution of said cards does not interfere with the duties or suspend the regular secular work of the employees of the defendant. . . .'

"[3] The State Supreme Court said: 'The record further discloses that the teachers conducting the religious classes were not teachers in the public schools but were subject to the approval and supervision of the superintendent. . . .' The trial court found: 'Before any faith or other group may obtain permission from the defendant for the similar, free and equal use of rooms in the public school buildings said faith or group must make application to the superintendent of schools of said School District Number 71, who in turn will determine whether or not it is practical for said group to teach in said school system.' The president of the local school board testified: '. . . The Protestants would have one group and the Catholics, and would be given a room where they would have the class and we would go along with the plan of the religious people. They were all to be treated alike, with the understanding that the teachers they would bring into the school were approved by the superintendent. . . . The superintendent was the last word so far as the individual was concerned. . . .'

"[4] There were two teachers of the Protestant faith. One was a Presbyterian and had been a foreign missionary for that church. The second testified as follows: 'I am affiliated with the Christian church. I also work in the Methodist Church and I taught at the Presbyterian. I am married to a Lutheran.'

"[5] The director of the Champaign Council on Religious Education testified: '. . . If any pupil is absent we turn in a slip just like any teacher would to the superintendent's office. The slip is a piece of paper with a number of hours in the school day and a square, and the teacher of the particular room for the particular hour records the absentees. It has their names and the grade and the section to which they belong. It is the same sheet that the geography and history teachers and all the other teachers use, and is furnished by the school. . . .'

gious sects. Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend the religious classes. This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment (made applicable to the States by the Fourteenth) as we interpreted it in *Everson* v. *Board of Education,* 330 U. S. 1. There we said: 'Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another.[6] Neither can force or influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or for professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.[7] Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, and *vice versa.* In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State." ' *Id.* at 15-16. The majority in the *Everson* case, and the minority as shown by quotations from the dissenting views in our notes 6 and 7, agreed that the First Amendment's language, properly interpreted, had erected a wall of separation between Church and State. They disagreed as to the facts shown by the record and as to the proper application of the First Amendment's language to those facts.



EWING GALLOWAY J. K. DANIELS, SCULPTOR

Sculptured in Stone Are These Sturdy Pioneers Who Helped Build the Great Northwest

"Recognizing that the Illinois program is barred by the First and Fourteenth Amendments if we adhere to the views expressed both by the majority and the minority in the *Everson* case, counsel for the respondents challenge those views as dicta and urge that we reconsider and repudiate them. They argue that historically the First Amendment was intended to forbid only government preference of one religion over another, not an impartial governmental assistance of all religions. In addition they ask that we distinguish or overrule our holding in the *Everson* case that the Fourteenth Amendment made the 'establishment of religion' clause of the First Amendment applicable as a prohibition against the States. After giving full consideration to the arguments presented we are unable to accept either of these contentions.

"To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not, as counsel urge, manifest a governmental hostility to religion or religious teachings. A manifestation of such hostility would be at war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion. For the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the *Everson* case, the First Amendment has erected a wall between Church and State which must be kept high and impregnable.

"Here not only are the state's tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state's compulsory public school machinery. This is not separation of Church and State.

"The cause is reversed and remanded to the State Supreme Court for proceedings not inconsistent with this opinion.

"Reversed and Remanded."

"[6] The dissent, agreed to by four judges, said: 'The problem then cannot be cast in terms of legal discrimination or its absence. This would be true, even though the state in giving aid should treat all religious instruction alike. . . . Again, it was the furnishing of "contributions of money for the propagation of opinions which he disbelieves" that the fathers outlawed. That consequence and effect are not removed by multiplying to all-inclusiveness the sects for which support is exacted. The Constitution requires, not comprehensive identification of state with religion, but complete separation.' *Everson* v. *Board of Education,* 330 U. S. 1, 59, 60.

"[7] The dissenting judges said: 'In view of this history no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises. . . . Legislatures are free to make, and courts to sustain, appropriations only when it can be found that in fact they do not aid, promote, encourage or sustain religious teachings or observances, be the amount large or small.' *Everson* v. *Board of Education,* 330 U. S. 1, 41, 52-53."

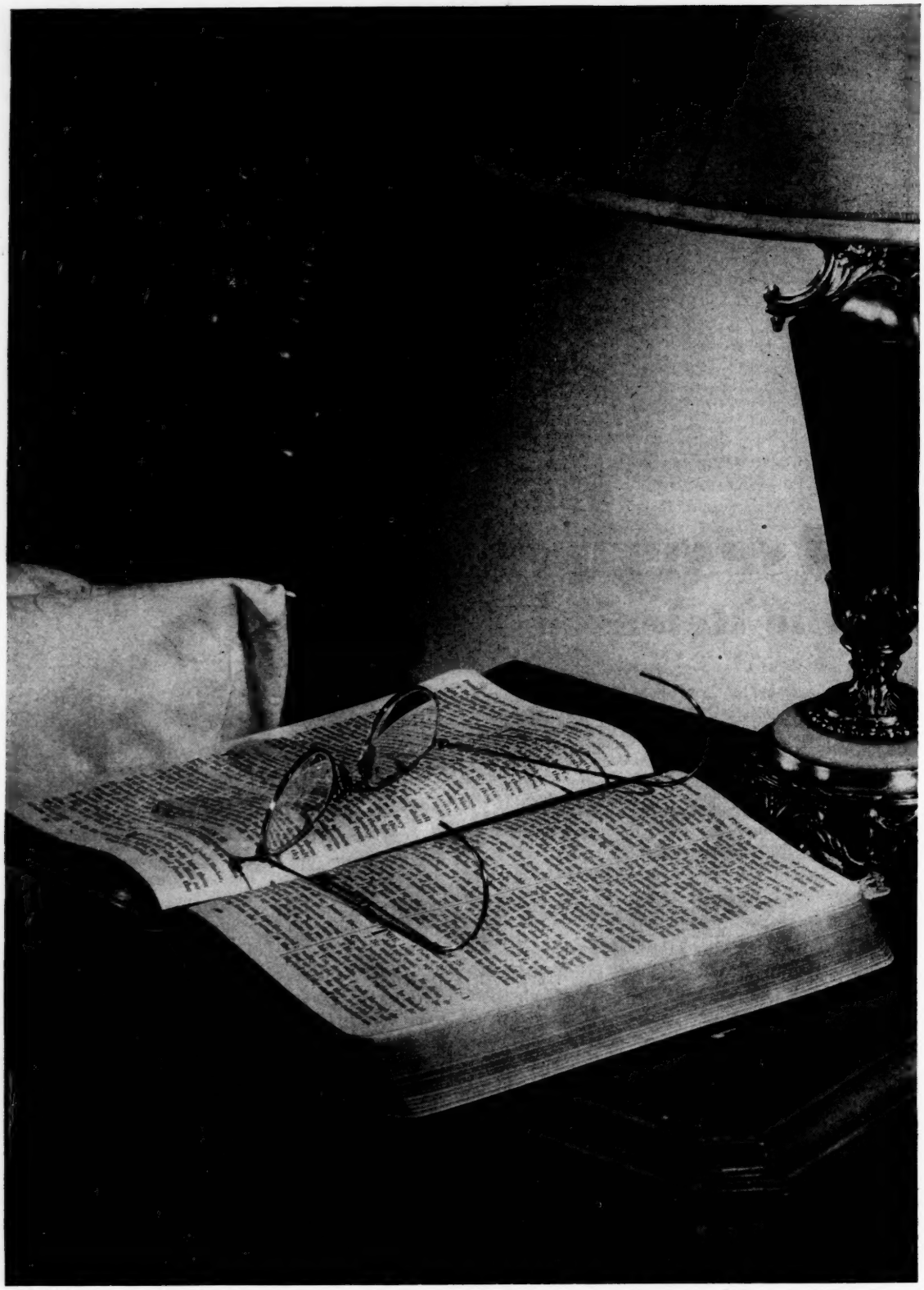
NEWSPAPER COMMENT on the Released-Time Case

[*Certain cases are of so broad a scope that they not only arouse wide interest among citizens generally but bring forth striking editorial comment in the newspapers of the land. The following are a number of editorials dealing with the Supreme Court decision concerning the teaching of religion in the public schools. We believe they are worthy of careful reading. Our space does not permit the printing of large numbers, but the ones chosen are from different parts of the country and are fairly representative of much of the editorial comment.*—EDITORS.]

Washington, D.C., *Post*

THE ADVOCATES of released time for religious education in the public schools are fond of asking "Why not?" A prior and more pertinent question is "Why?" There is ample opportunity for religious instruction outside school hours, on Sundays, or, if this is not sufficient, on weekday afternoons when secular classes have been dismissed. It is hard to escape the conclusion that the released-time program has been pursued in the schools of Champaign, Ill., where Mrs. Vashti McCollum tested its constitutionality, and elsewhere, precisely because it subjected pupils to a kind of compulsion to participate; at least it made nonparticipation awkward and conspicuous. This kind of program, at any rate when it is conducted on public school premises, is, as Mr. Justice Black declared on Monday speaking for the Supreme Court, "beyond all question, a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith." It must fall, therefore, as he concluded, "squarely under the ban of the first amendment."

Mr. Justice Reed alone dissented from this conclusion, and Mr. Justice Jackson expressed some reservations respecting it. Both seem concerned, and not unreasonably, with the breadth and indefiniteness of the court opinion. To this, the careful historical review supplied by Mr. Justice Frankfurter is perhaps the best answer. The case, he says, "demonstrates anew that the mere formulation of a relevant constitutional principle is the beginning of the solution of a problem, not its answer. This is so because the meaning of a spacious conception like that of the separation of church from state is unfolded as appeal is made to the principle from case to case." Quite apart from the niceties of constitutional law involved, we heartily agree with the expression of political principle reaffirmed by Mr. Justice Frankfurter: "The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the state is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart."



A. DEVANEY

The Daily Study of the Holy Scriptures Builds Spiritual Strength for Better Living

The Evening Star (Washington, D.C.)

In The Star's opinion, the desirability of preventing anything which might reasonably be expected to lead to a real intrusion by the church into the affairs of the state, or vice versa, is not open to question. No such development should be permitted. The essential point is that the Champaign plan, in The Star's opinion, did not in any real sense raise a threat of religious encroachment on the proper domain of the state.

Chicago *Tribune*

The Supreme court has declared invalid the plan of religious education introduced into the schools of Champaign, Ill. We welcome this decision and we believe our opinion is shared by the great majority of the American people.

The plan was instituted in 1940 at the request of the Champaign Council on Religious Education, composed of representative Protestants, Catholics and Jews. Children whose parents wished them to receive religious instruction were given it in the school for one period each week. These children were assigned to classes according to their religious faiths, and the teachers were selected by the various religious bodies. Thus the Catholic children received Catholic instruction, and so on. Children whose parents did not wish them to have religious education remained in the school, doing ordinary school work.

This was as inoffensive a plan as could well have been devised. There was no likelihood that it would be used for proselyting. The teachers received no salary from the school funds. The court recognized this, but nevertheless saw in the plan a first breach in the wall which should separate church and state.

It was a difficult case because what the court was construing was the language of the First amendment which says nothing about schools. The passage reads: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." By inference, this limitation runs against the states, also, but was the Champaign system an establishment of religion, and did it interfere with anyone's right to exercise his religion?

Mr. Justice Jackson looked that question square in the eye and observed:

"It is idle to pretend that . . . we can find in the Constitution one word to help us as judges to decide where the secular ends and the sectarian begins in education. Nor can we find guidance in any other legal source. It is a matter on which we can find no law but our own prepossessions."

If so, the prepossessions of the judges conform pretty accurately to those of the bulk of the population of this country. Most of us are glad that the question has been settled as it has been. We believe instinctively that government interference in religion and religious interference in government are always to be avoided.

The many millions of parents who believe that their children should have the benefits of religious instruction can still provide it. They can send their youngsters to Sunday school, and, if more than that is desired, can organize week-day religious schools as well, or can give the appropriate teaching in the home. The court has not and could not forbid any of these activities.

The decision is doubly welcome because the question of the division of church and state, particularly as it concerns the schools, has been making for a good deal of ill-will lately between Catholics and Protestants. The organization known as Protestants and Others United for the Separation of Church and State has been critical of views expressed by the National Catholic Welfare conference. There have been exchanges of unpleasantries and there was some reason to fear that the disagreement would grow in intensity.

The decision of the court seems to have settled the main question involved in the controversy. We do not know whether the finding will satisfy either side or both sides but, at any rate, the legal position is now established and both sides have no choice but to accept it. In the circumstances, they will do well to adjourn their controversy, sine die.

St. Louis *Post-Dispatch*

Because she is a woman with the courage of her convictions, Mrs. Vashti McCollum of Champaign, Ill., has won a great victory in the United States Supreme Court. She has won her battle against use of the public school facilities for religious instruction and she has won it with the support of eight Justices. Only Stanley Reed did not agree.

This all but unanimous indorsement of Mrs. McCollum's successful appeal to the highest court is no measure of the long, hard and persistent fight she had to make to win in the end.

This decision is a great victory for the basic principle of the separation of church and state in the United States, so clearly and effectively declared by Madison and Jefferson. It is also a victory for individual freedom of conscience, without which there can be no freedom of religion.

Mrs. McCollum is not a Catholic, a Protestant or a Jew. She does not belong to any one of the many denominational sects. She is a freethinker, sometimes called an atheist. It was her argument that the Bill of Rights' separation of church and state protects her in her efforts to train her children in freethinking

just as much as it protects those in denominations with memberships running into the millions.

She made her case first before the School Board of her community. She was put down pretty much as a nuisance if not a crank. She was not deterred by the School Board's brushoff or local criticism or raised eyebrows in university circles. When the State Supreme Court ruled unanimously against her, she went right on to Washington. After her appeal to the Supreme Court, several denominational and civil rights groups, including the Synagogue Council of America, filed supporting briefs as friends of the court. Yet it was still one mother's case, carried to the highest tribunal because of her intense devotion to freedom of thought.

If the 8-to-1 majority tends to minimize Mrs. McCollum's uphill struggle, it happily emphasizes how right she was all along.

In recent years, the Supreme Court has split time after time on vital civil rights issues and in all too many cases it has decided against a soundly based claim of an individual citizen. This time, on the highly controversial issue of religious instruction as part of education, it lacks only one Justice of being unanimous.

Hugo Black, who wrote the court's decision, went straight to the heart of the question. Describing the Champaign system (employed in varying forms in hundreds of cities and towns), he said that the use of public schools for religious classes was "beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith." He continued:

"It falls squarely under the ban of the First Amendment (made applicable to the states by the Fourteenth Amendment)."

It can only be regretted that Justice Black did not see the issue as clearly in the New Jersey school bus case, whose majority opinion he also wrote. In that 5-to-4 decision, just a year ago, he found no breach of the wall between church and state in the use of tax funds to reimburse the fare of parochial school pupils.

Either he has changed his views or he thinks that a little mixing of church and state is all right. The latter certainly is the view of Justice Reed who does not like the McCollum decision because it raises a bar against "practically all forms of religious instruction in connection with school systems."

We prefer to think that the Supreme Court has learned a lot from the sound criticism of the New Jersey decision in the press, in law reviews and indeed in religious circles. We prefer to think that the McCollum case is not only the latest word but also a revised judgment. We prefer to think that it will be followed by decisions which will reverse the New Jersey decision and earlier decisions permitting the use of tax funds to pay for school books for church schools and otherwise to support church schools. We prefer to think this notwithstanding Justice Black's pains to harmonize the McCollum and New Jersey decisions. . . .

It is Justice Rutledge who is entitled to more satisfaction than any other member over the McCollum victory. His stanch dissent in the New Jersey bus fare case was an appeal to the future. Justice Black wrote the McCollum decision but it was foretold by Wiley Rutledge.

Northern Virginia Daily (Strasburg, Va.)

The United States Supreme Court, in a surprise decision on Monday, held that religious teaching in the public schools was unconstitutional, since it violated the first amendment to the Constitution, providing for the separation of Church and State. The surprise lay not so much in the substance of the decision —which seems to be in line with sound reasoning on the subject—as in the fact that the same court ruled last year that public money might be used to provide bus transportation for children attending parochial schools. It is difficult to reconcile these two decisions, since in both cases public funds—or public facilities —are used for the promotion of religious teaching. The only difference we can see is that of the use to which the funds are applied.

The amendment providing for the separation of Church and State was not intended to reflect a hostile attitude toward religion, as Justice Black so carefully pointed out in the majority opinion. As a matter of fact, most of the framers of the Constitution were religious men, believers in God and the Church. On the contrary, it was intended to safeguard every citizen's rights to the free exercise of his religious faith by preventing the establishment of anything resembling a State church. When this country was settled, State churches flourished in Europe and those who did not conform to the particular brand of religion approved by the State were subjected to untold injustices, cruel treatment, and often imprisonment for worshiping God in accordance with the dictates of their own conscience.

Those who are familiar with the early history of Virginia know that during the Colonial period the established Church of England was also the State religion of Virginia, which was then a British colony. Every citizen of the colony was required to pay taxes to support the established Church, regardless of his own religious beliefs and affiliations. Many preachers of other denominations were arrested and thrown in prison for preaching doctrines contrary to those of the Church of England. A number of old jails are

still standing in this State in which people were confined and subjected to cruel treatment for worshipping God according to their own lights. Many of our early immigrants came to this country and settled in the wilderness as refugees from religious persecution in Europe.

The framers of our Constitution, fully cognizant of the evils inseparably connected with any sort of religious establishment, adopted this first amendment which provided for the complete separation of Church and State, thus guaranteeing to every citizen freedom from any sort of religious coercion. Now teaching the Bible in the public schools is not intended to breach anyone's rights to his own religious convictions or to indoctrinate him contrary to his own creed. It is undenominational in character and is intended primarily to give some sort of religious instruction to children who do not attend Church schools and who get very little, if any, such instruction at home. It may be freely conceded that those promoting such teaching are inspired by the very best motives.

But when all this is conceded, the fact remains that the establishment of religious courses in the public schools is a letting down of bars that had far better be kept up. For once these bars are let down, the way is open for innumerable evils to creep in. It would be but a short time before there would be an insistent demand for the State to support this religious instruction. In some communities, sectarian influence would undoubtedly be felt and there would be widespread resentment on the part of those who do not subscribe to the type of teaching offered. The time might actually come when some particular sect would become so powerful that it would dominate politics and the government. Religious intolerance is one of the cruelest things in the world. It has engaged in witch-hunts, thrown people into prisons and dungeons, and even burned them at the stake. No, the Supreme Court was right. The makers of the Constitution were wise. It is much better to keep these bars up than to throw them down.

Arizona Republic (Phoenix)

The 8-to-1 decision by the United States Supreme Court regarding the separation of the church and state was emphatic. It bans religious instruction in public schools. It denied Public School 71 of Champaign, Ill., the right to take time from regular classwork for religious training by different churches. "Here," the decision read, "not only are the state's tax-supported public school buildings used for the dissemination of religious doctrines. The state also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through the use of the state's compulsory public school machinery. This is not separation of church and state."

Actually this decision is a real challenge to the churches of America of all denominations. It is a challenge to reinvigorate themselves, to go out and get their own pupils, to rebuild their congregations with eager and inspired youngsters. It is a challenge to take action in giving the young people of America something they can believe in, work for and share through their church.

Certainly if churches need the aid of compulsion to bring youngsters into their classes there is something lacking in the churches themselves. If we must use the schools to hold up the churches, the churches must be failing somehow to provide the inspiration and religious leadership our young people need today.

Let us hope our churches will accept this decision in the spirit of the Constitution that protects our liberty. Let us hope they will also step forward to meet today's great social and moral challenge with new vigor. Unless our religious institutions can cope with the needs for social reform, for moral regeneration and for understanding of this confused and changing world, their congregations will dwindle further. American youth needs spiritual leadership. Where else will it come from if the churches fail to provide it?

"I HAVE SWORN ON THE ALTAR OF GOD ETERNAL HOSTILITY AGAINST EVERY FORM OF TYRANNY OVER THE MIND OF MAN."
—JEFFERSON

JEFFERSON-SALUTAMUS

By Frank Earl Herrick
Attorney at Law

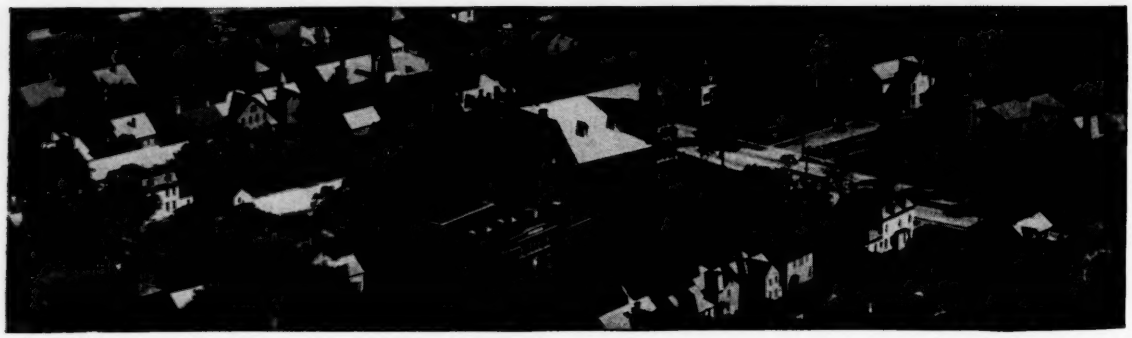
(Anent the recent State-Church United States Supreme Court decision)

O, mighty Thomas Jefferson, the wise seed sowed by you
Has come to its full glory in this resplendent rose,
A many-petaled beauty baptized with Freedom's dew,
As pure and white and stainless as the unsullied snows.

Upon it long has lain a malignant parasite,
A canker eating at the heart of a noble state,
A withering mildew and slow encroaching blight,
A wilting, hungry fungus fierce and insatiate.

Now the pests that fed upon America's fair bloom
Are driven by the breezes and the eternal sun,
And Liberty's choice flower of loveliest perfume
Smiles now in matchless splendor upon everyone.

O, glorious Tom Jefferson, a nation brings to you
With its love and gratitude and the heart's acclaim
This pure and faultless flower gemmed with jeweled dew,
And adds its precious beauty to your wreath of fame!



H. A. ROBERTS

Public School Buildings and Religious Services

Separation of Church and State in Collinsville

By JAMES O. MONROE

[*Mr. Monroe is a Sendtor in the Illinois Legislature. He is also editor and publisher of the Collinsville Herald. This editorial which appeared in his journal some time ago is a homey, folksy chat with his subscribers on a great principle, and we believe that* LIBERTY'S *readers will like it. Some who read our editorial comments chide us for being overly particular about insisting that anything that seems like a union of church and state should be avoided. What Mr. Monroe says indicates that we are not alone in our opinions.*—EDITORS.]

I ATTENDED THE Youth for Christ rally at the high school gymnasium Monday evening. It was the first local meeting of the movement, though numerous Collinsville church folks have been engaged in it in St. Louis and East St. Louis for many months.

The weather being forbidding, the attendance was reduced to six or seven hundred, in about the same proportion of children and adults as at church assemblies. The program was carried out as announced, consisting of music by the high school band and singers, and a sermon and evangelistic appeal by the Reverend Reinhold A. Barth of Kalamazoo, Mich.

The tenor of the service was similar to that of the revival meetings I attended as a boy in churches and camp meetings in Jefferson county where I grew up, except for the modern music. . . .

Rev. Mr. Barth's exhortation was much like those of the impassioned country preachers of two generations ago throughout southern Illinois.

Youth for Christ is an interdenominational movement of churches of the more vigorously evangelistic type, with Baptists being in the lead here. And the Baptist theology permeates the revival efforts, only being "streamlined" in its presentation and embellished with a great variety of music as an appeal to the young people.

* * *

One of the tenets of the Baptist denomination is separation of Church and State. Being a Baptist, I have known this for years, but to fortify myself for these comments I referred to a standard encyclopedia and I found the following definition:

"BAPTISTS, a body of Christians whose fundamental emphases have been biblical literalism, religious liberty as the inherent right of the human personality, complete separation of church and state, the autonomy of the local church and fellowship with other churches, the conception of a church as consisting of those who have personally experienced salvation and publicly professed faith in Christ."

Reading further in the book (National Encyclopedia, Vol. 1, Page 540) I found that "During the Revolutionary War, the Baptists universally supported the rebellion, numerous ministers serving as chaplains, and that crisis was used to gain one of their fundamental principles, the separation of Church and State."

The New England Baptists were against the British government and were anxious to overthrow it in America because at that time it was allied with the Church of England, which alliance persecuted and sought to suppress such dissenters. To them the right

to free religious worship was worth revolution and the spilling of blood. For church-state persecution had followed them here, and the Baptist Church was set up in the founding of Rhode Island by those who had been forced to leave the Puritan colony of Massachusetts on account of differences in religious views. The first declaration for separation of church and state on this continent was made by the Providence Baptists.

* * *

Though I gave, through the Herald, all encouragement to the Youth for Christ rally, and I will give equal support to any other such rallies in the future, these facts of religious history have kept running through my mind since the first announcement of the rally was made. And they impressed me as I sat in the service in the school gymnasium—*because it was in the gymnasium,* which was built with taxpayers' money and is owned and controlled by the school district, a subdivision of the state. Much as I approved the movement and the meeting, I was compelled to the conclusion that it was being held in an improper place. In that regard it ran counter to the principles of the Baptist church which was its chief sponsor.

It will pain Rev. Percy Ray to read this as much as it pains me to have to write it. For he is my pastor and my friend, and I belong to his church and am his friend. I was one of the committee of three men who acted for the church in calling him here, and I never have regretted my part in his selection as pastor. But being his friend and of his faith, I can say of him and of his use of a state building for church purposes what I could not say with equal frankness of some other minister and sect without being open to a charge of prejudice. Hence, the occasion is apt for applying to a local situation the principles upon which I have asserted my convictions in general terms heretofore.

* * *

So well have we all read the history of modern civilization on these matters that not only is the principle of separation of church and state written into our constitutions, but nobody whom I know ever suggests that this principle should in any way be departed from. On the contrary, all the churchmen with whom I ever have talked assert the most earnest devotion to religious liberty and to the principle of separation. But some of them waver on the application of the principle; or they fail to discern that some minor matter of state aid to the church violates the principle; or, discerning that, they are disposed to indulge it as being of no great moment.

Several months ago I talked with a learned and liberal professor of a great university about the question of the state providing school bus service for children attending parochial schools. He recognized this as being a dangerous innovation, but said, "I'd be willing to compromise on that if it would end there." His words and his tone, however, indicated strongly that he sensed it would not end there, but it would be only the opening of the door.

The use of the school gymnasium by a religious group for religious purposes is an opening of the door, a crossing of the line which separates church from state. Even though it be but a step that is taken through the door, or across the line, it is a breach in the barrier which could lead to its complete breaking down.

For if Baptists, Methodists and Presbyterians and others may join rightfully in an "interdenominational" service in a building owned by the state, then any or either of these denominations may on occasion, with equal justice, demand the use of such state property for their exclusive services. And if on Monday night, then on Sunday night or Sunday morning. And if on one occasion, then on many occasions, so that the building becomes as much a church as a school facility.

And if one group may demand to use it, then as well may all groups, until its limits of time and space are overtaxed. And if they may with right demand to use a state owned building already erected, why may they not with equal right demand the erection of others—for use both as gymnasium and church, or for church alone? For, once or a thousand times, the proposition goes on the premise that it is a right, a function and a duty of the state to furnish places for religious services.

And certainly, if the state, as represented in the school district, can furnish a place for these groups to worship, it must be said that it can and should furnish bus service to the children attending parochial schools, or give them books and teachers and housing.

If anyone thinks that he can discern any new line whereon the separation of church and state can be established, once the line of complete separation is breached, I will welcome him to come forward and define it.

H. M. LAMBERT

The Recess, Which Children Love

* * *

As I discussed this matter casually with one of my sons, he remarked that the gymnasium was the only place in town big enough for such a rally as this, which was partly true—if the weather had been good probably more than a thousand persons would have attended. But that is a superficial view of the matter. Lack of proper facilities for such a gathering does not justify the use of improper facilities. . . .

God forbid that I should say aught which would reflect on or discourage the efforts of Rev. Mr. Ray and his fellows in their evangelistic zeal and efforts. But too much numerically should not be expected from them. For it is as true today as it was when it was first said, that "many are called but few are chosen," and there is as much stony ground now upon which the seed will fall unavailingly as there was when the first sower went forth to sow.

This suggests that human nature does not change much. And from this it must appear that the interplay of church and state, which formerly made their alliance so unbearable, would do so again, once the intermingling were permitted to operate and grow.

And there are far too many opportunities and facilities for evangelism to risk these evil growths by holding religious services of any kind whatsoever in a public school. . . .

I am aware that, in much popular thinking, religious freedom means freedom from oppression, or interference, by the state. Some do not recognize aid to religion as an interference, which it is. The constitution denominates such aid as "establishment of religion" which some narrowly interpret as the setting up of an "established" religion, excluding others. Actually it means no aid to any religion or religions. It must mean that, because aid of any sort never can be doled out to any and all religions with any equity, and any such effort would plunge the government and church both into a morass of confusion and bickering which would debase the church and unsettle the government.

No church, no member of any church, ought to be beholden at any time to the state or any representative of the state, not even to an humble unpaid, and perhaps devout, member of a school board.

The heads of the churches who participate in the Youth for Christ movement may disavow any intention of seeking any further aid or aids from the state. They may not even plan to make any further use of the gymnasium for these meetings. I do not know, and it doesn't matter. The fact is that already they have set a precedent by which others may make similar bids, one or many, for use of the gymnasium. They have afforded a foundation, slender though it be, for parochial schools to ask for state aids—school buses, school books, and others. Thus they set the stage for the injection of religious prejudices into the election of members of the school board and the selection of teachers, which would not only debase the church but imperil free education. Then prejudice, sectarianism and dissension would breed and permeate both the churches and the schools, to the harm of both. Hence, churches which began and thrived on the instinct for religious freedom ought least of all to give the slightest impetus or suggestion to fostering state interference.

EDITORIALS

Freethinkers Oppose Released Time in New York

America of May 15 reported that the Freethinkers of America have brought suit to stop the New York State plan for "released-time program off public-school premises." Commenting, *America* said, "It may be that the New York litigation will be *the* test case to decide whether the entire released-time program as operated in all parts of the country is to fall victim to the forces of secularism and irreligion."

We suppose that in New York public school children may be released for sectarian religious instruction not given on public school premises. Probably, however, the children do not leave the control of the public school authorities when they go to various places for religious instruction. If the children remain under the truancy laws while away from the public school buildings, and if it is required that a report of attendance be made by the religious instructors to the public school teachers, there is a type of union between church and state, though it may be a tenuous one. We suppose large numbers would feel there is no union at all. What the courts would say on this subject remains to be seen.

The whole question of the teaching of religion to

children seems to be in a ferment. Two editorials in the *Christian Century,* one April 28 and the other May 5, strongly urge that the teaching of religion be done by the churches, but recognize that in view of the Supreme Court decision on March 8 last such instruction cannot be given in public school buildings or on school grounds. It is suggested that the school week be shortened by a half day so that the churches may undertake to teach religion to their children. Whether or not the people in general would be willing to have the school week thus shortened may be questioned. We think that pupils generally would not be hurt by it.

If the school authorities in any district or State should release children a half day each week so that religious instruction could be given by teachers paid by the churches in buildings erected at private cost, there would certainly be no union of church and state in the procedure.

But it is not as simple as it might sound. What is to become of those children who do not want to attend classes in religion, and whose parents feel no need for compelling them to attend?

We have the greatest sympathy for the good folk who recognize that there is a woeful lack of knowledge in our land about religious things. We believe that children are bound to benefit by instruction along religious lines. But we confess to a terrible fear of anything that might lead to a union of church and state. We are sure that the teaching of religion belongs to the home and the church and not to any tax-supported institution. H. H. V.

Is Separation of Church and State an "Old Bogey"?

"Separation of church and state" is a phrase frequently used in the United States. It describes a relationship between organized religion and organized government, which, though not strictly American, is still characteristically American. Many citizens of countries where church and state are united speak approvingly of the "American way of life" as defined by this phrase.

For instance, Alexis de Tocqueville, a young Frenchman who visited this country in the year 1831, remarks concerning this matter of separation of church and state, "On my arrival in the United States, the religious aspect of the country was the first thing that struck my attention; and the longer I stayed there, the more I perceived the great political consequences resulting from this new state of things. In France, I had almost always seen the spirit of religion and the spirit of freedom marching in opposite directions. But in America, I found they were intimately united, and that they reigned in common over the same country. My desire to discover the causes of this phenomenon increased from day to day. In order to satisfy it, I questioned the members of all the different sects; I sought especially the society of the clergy, who are the depositaries of the different creeds, and are especially interested in their duration. As a member of the Roman Catholic Church, I was more particularly brought into contact with several of its priests, with whom I became intimately acquainted. To each of these men I expressed my astonishment and explained my doubts: I found that they differed upon matters of detail alone, and that they all attributed the peaceful dominion of religion in their country mainly to the separation of church and state. I do not hesitate to affirm, that, during my stay in America, I did not meet a single individual, of the clergy or the laity, who was not of the same opinion upon this point."—*Democracy in America* (1898), vol. 1, pp. 394, 395.

Lord Bryce, the famous British political scientist, said in his *American Commonwealth:* "In examining the National government and the State governments, we have never once had occasion to advert to an ecclesiastical body or question, because with such matters government has in the United States absolutely nothing to do. Of all the differences between the Old World and the New this is perhaps the most salient. Half the wars of Europe, half the internal troubles that have vexed European States, from the Monophysite controversies in the Roman Empire of the fifth century down to the Kulturkampf in the German Empire of the nineteenth, have arisen from theological differences or from the rival claims of Church and State. This whole vast chapter of debate and strife has remained virtually unopened in the United States. There is no Established Church. All religious bodies are absolutely equal before the law, and unrecognized by the law, except as voluntary associations of private citizens." "No voice has ever since been raised in favour of reverting—I will not say to a State establishment of religion—but even to any State endowment or State regulation of ecclesiastical bodies. It is accepted as an axiom by all Americans that the civil power ought to be not only neutral and impartial as between different forms of faith, but ought to leave these matters entirely on one side, regarding them no more than it regards the artistic or literary pursuits of the citizens. There seems to be no two opinions on this subject in the United States. Even the Protestant Episcopal clergy, who are in many ways disposed to admire and feel with their brethren in England; even the Roman Catholic bishops, whose creed justifies the enforcement of the true faith by the secular arm, assured the European

visitor that if State establishment were offered them they would decline it, preferring the freedom they enjoyed to any advantages the State could confer. Every religious community can organize itself in whatever way it pleases, lay down its own rules of faith and discipline, create and administer its own system of judicature, raise and apply its funds at its own uncontrolled discretion. A church established by the State would not be able to do all these things, because it would also be controlled by the State, and it would be exposed to the envy and jealousy of other sects."—(Rev. ed., 1919), Volume 2, pp. 763, 766.

Americans are naturally pleased with these words of high praise for a unique feature of their political system, and those who are truly American continue to concur in these opinions.

Now let us compare two very recent commentaries on this American *modus vivendi* by two well-known Americans. One comment is a legal definition embodied in a Supreme Court decision; the other is a comment by a Roman Catholic priest and writer.

Justice Black, in the United States Supreme Court decision on the case *Everson* v. *Township of Ewing,* handed down on February 10, 1947, stated that "the 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."

Under date of February 15, 1947, just five days later, the Roman Catholic Jesuit weekly *America* published the following statement by the priest John Courtney Murray, well-known Catholic educator and frequent writer in Catholic periodicals. He does not appear to like the American way of life expressed in the term "separation of church and state," for he says:

"It is already significant that the Protestant campaign is not being waged under the device of 'religious liberty' or 'freedom of conscience'; neither of these two positive, intelligible formulas would suit the purpose. Rather, the banner bears the slogan, 'separation of Church and State'—that negative, ill-defined, basically un-American formula, with all its overtones of religious prejudice. This fact affords a preliminary insight into the ultimate forces that are inspiring the campaign; they are the forces of emotional and religious rivalry, not of reason and patriotic sentiment."

Lest we think that this statement is at variance with other Roman Catholic opinion, or was an isolated comment called forth by a particular combination of events, let us call attention to the following by the vice-president of the Catholic Notre Dame University, John H. Murphy, C.S.C., spoken at the observance of universal Notre Dame night, on April 5, 1948, as reported in the South Bend *Tribune* of the next day, and referring to the Supreme Court decision in the McCollum case on religion in the public schools. He said: "How Christian are we when the supreme courts of our land, plagued by that old bogey of church and state, can rule God out of a public school house to save from embarrassment the immature son of an avowed atheist? How long will it be before the next step is taken and the name of God is officially stricken from our bill of rights, from our declaration of independence?"

To the United States Supreme Court, the doctrine of the separation of church and state means something very definite and conclusive in law and is very American. To the Reverend Dr. Murray the doctrine is a "negative, ill-defined, basically un-American formula," and to the Reverend Mr. Murphy it is "that old bogey."

Somebody is wrong on a very American legal principle. To the French Roman Catholic De Tocqueville, to the British Anglican Lord Bryce, and to Justice Black of the United States Supreme Court, the doctrine is of clear-cut definition, validity, and marked political virtue. To Messrs. Murray and Murphy it is quite something else.

There is no question of the right of these Roman Catholic fathers to hold and express their opinions concerning the American doctrine of the separation of church and state, but what if these opinions are being activated, either openly or covertly, in the direction of a definite change in the American form of government? If the issue here pointed up is taking this form, it will presently have to be met by constitutionally-minded Americans.

We would like to recommend that Fathers Murphy and Murray have a personal talk with Roman Catholic Archbishop McNicholas of Cincinnati. The archbishop had trouble with the separation of church and state when he tried to unite the public and parochial school systems of North College Hill in Ohio, but he said recently, in castigating Protestants and Other Americans United for Separation of Church and State:

"We deny absolutely and without any qualification that the Catholic Bishops of the United States

are seeking a union of Church and State by any endeavors whatsoever, either proximate or remote. If tomorrow Catholics constituted a majority in our country, they would not seek a union of Church and State. They would, then as now, uphold the Constitution and all its Amendments, recognizing the moral obligation imposed on all Catholics to observe and to defend the Constitution and its Amendments."—*Our Sunday Visitor,* March 7, 1948.

According to the statements we have quoted, Fathers Murray and Murphy do not believe in a separation of church and state, and Archbishop McNicholas does not believe in a union of church and state. We might ask, Who is speaking for the Roman Catholic Church in this case? We believe that the courts of our country have sufficiently defined in most cases what separation of church and state means, and we shall continue to do all we can to rally the citizens of the United States to the maintenance of this principle. F. H. Y.

Why *God* and *Christ* Are Not in Our Constitution

THERE ARE two bills pending in Congress, one in the Senate and the other in the House, which aim to insert the name of Christ in the preamble of our Constitution, and thereby recognize His authority as Ruler of our nation. In such a proposal there are some dangerous implications, which the sponsors of the proposed legislation have evidently overlooked. A glance at past history may help to clarify the subject a bit.

A religious test was required by the Massachusetts Colony of those who held offices of public trust. The following law was enacted: "And it is further Ordered, that no man although a Freeman shall be accepted as a Deputy in the General Court, that is unsound in Judgment, concerning the main points of Christian Religion, as they have been held forth and acknowledged by the generality of the Protestant Orthodox Writers; . . .

"And it is further Ordered, that it shall not be lawful for any Freeman to make choice of any such person as aforesaid, that is known to himself to be under such offense or offenses specified, upon pain or penalty of five pounds, and the cases of such persons to be tried by the whole General Court."—(Enacted 1654.) *General Laws and Liberties of the Massachusetts Colony, Revised and Reprinted, by Order of the General Court, May 15th, 1672,* p. 41.

Another evil provision of the laws of those days taxed every person for the support of ministers, even to the matter of seeing that they had proper housing, as the following indicates:

"It is Ordered, that the Inhabitants of every Town, shall take care to provide the same, either by hiring some convenient House, for the use of the present Minister, or by compounding with him, allowing him a competent and reasonable sum to provide for himself, so long as he shall continue with them, or by building or purchasing an house for the Minister and his successors in the Ministry, as the major part of the said inhabitants shall agree. And the particular sums assessed upon each person by a just Rate, shall be collected and levyed as other Town Rates."—(Enacted 1634.) *Ibid.,* p. 45.

The General Court of Massachusetts ordered that "the County Courts in their respective precincts, do diligently and carefully attend the execution of such Orders of this Court, as concerns the maintenance of the Ministry, and the purging of their Towns and Peculiars from such Ministry and public preachers as shall be found vicious in their lives, or perniciously Hetrodox in their Doctrine."—(Enacted 1660.) *Ibid.,* p. 46.

The civil magistrates were thus made the judges of heresy and of orthodox doctrines. A person was called a disturber of the peace if he challenged the right to act in the calling or election of a minister to a church "until he be in full communion," and was subject to the punishment of the court. Thus nonchurch members or members of other faiths who were compelled to pay for the support of a minister in their town were fined if they objected to the minister that was imposed upon them without their consent. All these things were done in the name of Christ and for the sake of advancing the cause of Christianity by men who presumed to speak and act for Christ.

The founding fathers of the American Republic decided that the only way to guarantee complete separation of church and state was to avoid any reference to Christ and Christianity in our fundamental law. Legal documents and laws enacted during medieval times under a union of church and state were predicated on a preamble that such documents and laws were enacted in the name and by the authority of God, Christ, and under the auspices of the Christian religion. Thus the civil and ecclesiastical rulers in all countries assumed to speak and act for God and in His name and by His authority. So God and Christ as heads of the state were made responsible for the most cruel religious persecutions ever perpetrated upon the human race.

Evidently those who propose today to place the name of God and Christ in the Preamble of our Constitution are ignorant of the fact that it was formerly in all legal documents under a church-and-state union, and was made the basis for religious legis-

lation, irrespective of whether it was the Catholic or Protestant state religion. It is fortunate that we have at the present time enough members in Congress who remember the mistakes of the past, and will not permit such un-American and unchristian measures to be enacted into law. Our forefathers saw the evil consequences that flowed from such legislation, and they prohibited religious tests for any office of public trust, and denied the lawmaking power of the National Government the right to legislate upon the subject of religion or to interfere with its free exercise. These prerogatives the American people must jealously safeguard. C. S. L.

Public School Teachers Teaching Religion?

LIBERTY was very much disappointed when Protestants and Other Americans United for Separation of Church and State took the position, according to a recent news release, that they would favor a plan which would permit the teachers in the public schools to teach religion. Perhaps the difficulty we are experiencing is only one of semantics, of definition of terms. But we fear that this is not so. It seems to us that teaching religion in the public schools, no matter what agency gives the instruction, is a union of church and state, and that this transgresses the provisions of the United States Constitution, designed to prevent that very thing. The Supreme Court decision in the McCollum case makes this clear.

True, the public schools inculcate the principles of morality and social ethics. True, the public schools teach some phases at least of religious history. But no matter how we may define or restrict the area open for public school instruction, if *religion* is taught in the public schools by the public school teachers, the Government will be entering the field of religion, and if it does not teach a form of religion favored by one church or another, or by some group of churches, it will have to formulate its own religion to teach, and that might constitute the worst form of union of church and state. As a matter of fact, the Constitution of the United States calls for a separation of church and state. That means that the church as an organized institution is to keep out of the business of government. It means that the state is to keep out of the business of religion. Good Americans believe in the separation of church and state. Let us be good Americans. F. H. Y.

Money for the Church

IN ITS ISSUE of February 8, 1948, the Roman Catholic weekly *Our Sunday Visitor,* published in Huntington, Indiana, had a lengthy editorial on the case the Roman Catholic Church had gotten into in Dixon, New Mexico, in trying to take over the public school system. In the course of his comment the editor of the *Visitor* took to task the editor of the *Christian Century,* who in his issue of January 12 stated that "the church gets over $250,000 a year in revenue from this source." The editor of the *Visitor* says, "We should like to call the attention of the editor to the fact that the Church receives not one dollar from the conduct of any parochial school, or of the totality of them. The Religious Communities, which staff parochial schools, are on their own, and pay no money tribute to the Church."

May we take the editor of the *Visitor* to task for lack of frankness and for dodging the issue? The nuns teaching under public school systems are paid the full salaries of public school teachers. But they are not "on their own." Whatever they earn does not remain in their hands but goes into the coffers of the Sisterhood to which they are bound by the strictest vows of poverty and obedience. These funds are then available to the Sisterhoods for the expanding of the Catholic Church and the propagation of its faith. This is certainly an aid to the Catholic Church.

Let us not quibble over niceties of terms. The New Mexico situation, and similar situations elsewhere, require a stark facing of the facts. F. H. Y.

A Catholic Comment on the First Amendment

THE *Evangelist,* a Roman Catholic periodical, published in Albany, New York, in its issue of January 2, 1948, gives its interpretation of the First Amendment to the American Constitution. It says: "What the Amendment forbade in 1791 was a national church, national articles of faith, a national mode of worship; it forbade the kind of thing one sees today in England, and Norway and Sweden, and Spain. In these countries, Episcopalianism, or Lutheranism, or Catholicism is singled out from other religious bodies, given a special status in law, and special preferences and privileges not accorded equally to other religious bodies, usually including salaries for the clergy, erection and maintenance of churches, and the like. This is 'establishment' as understood in the First Amendment."

We are glad to see this Catholic admission that a state religion is contrary to the spirit of the First Amendment of our Constitution. The *Evangelist* could have enumerated more than a score of countries in Europe and South America, besides Spain, where the state religion established by law is Catholicism, and the Catholic Church is given a specially favorable status in law, with special preferences and privi-

leges, such as salaries for the clergy and erection and maintenance of churches and parochial schools, not accorded to other religious bodies.

There is a statement made in the *Evangelist* that is difficult for us to reconcile with the past history of the Catholic church. It says that the doctrine of the separation of church and state as set forth in the First Amendment "is ancient Catholic doctrine. . . . It is not a discovery of modern Liberalism; it had already found its way into English common law in medieval times, when England was Catholic. Whether churchmen, and especially statesmen, have always observed it, is another question." Everyone who knows anything of history knows that the Catholic churchmen and statesmen of England did not observe it or endorse the principle when the Catholic Stuarts did the bidding of the church.

A recent Associated Press dispatch from Vatican City reported that Pope Pius XII upheld the age-old doctrine of his predecessors, Popes Benedict, Gregory, Pius IX, Leo XIII, and Pius XI, affirming his belief "in a union of church and state," and approved the principle of the state's granting special financial and other favors to the Catholic Church and its institutions, and held that the state should give legal sanction to the propagation and teaching of the Catholic religion. Pope Pius XII said it was "an error" to hold the "doctrine that the church and state are two different, perfect societies," functioning in separate fields.

We would like to know how the *Evangelist* squares this doctrine of the above popes with its interpretation of the First Amendment to the United States Constitution. Certainly a union of church and state is incompatible with the spirit and intent of the First Amendment.

We trust that many more of the Catholic faith will understand that the spirit and intent of the First Amendment are meant for the benefit of their church and their religion as much as for any other Americans. They should also recognize that the separation of church and state in this land has made possible the Catholic Church's remarkable growth here. But there is a difference between Catholics, just as there is a difference between Protestants. Not all Catholics, not all Protestants, not all professed Christians, are agreed on the subject of the proper relationship of the church to the state and of the state to the church. The most hopeful sign in any church is the working of the leaven of charity among the members. That may ultimately break down the spirit of hate and intolerance, and make this world a better place in which to live.

It is very commendable in some Catholics to openly espouse the principle of the separation of church and state, the free exercise of the conscience of the individual in religious matters, the equality of all religious organizations before the law, with special privileges granted to none. It must take special fortitude and courage to differ with church pronouncements and papal decrees on the part of these American Catholics who favor the spirit and intent of the First Amendment.

Certainly if there is one lesson that history teaches, it is that a union of church and state always leads to religious controversies, political conniving and bickering, and religious intolerance and persecution of dissenters and nonconformists. The American Republic has demonstrated beyond the shadow of a doubt that the principle of a separation of church and state is for the betterment of religion and for the stability of civil government. The triumph of that principle has made America great in the sight of all nations. It has made it the most prosperous and most peace-loving nation in all the world. Let us never depart from the American way of life or the ideals that have made us what we are. If America and the rest of the nations that are in sympathy with these noble and lofty ideals ever repudiate and abandon them, the last hope of saving the world is gone. C. S. L.

Federal Money for Parochial Schools

THE ISSUE OF grants-in-aid from public funds for sectarian schools is now before the American public in much more definite form than that presented by the question of free school-bus rides and the furnishing of free textbooks. The so-called Taft Bill sets precedents, opens the floodgates, for all sorts of aids to religious schools in States which do not have sufficient safeguards in constitution or law against such grants.

This is dangerous. It is dangerous to the great constitutional principle of the separation of church and state, expressed in the prohibition, now applicable in all the states, that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof."

It is dangerous to the state. Not only does it take money for the parochial schools which should be used for the "common," "public," "state" schools, (these adjectives never have included, and never should include, the sectarian schools), but it puts the state into the business of teaching religion by paying its costs, and lays upon the state the burden of supervision of such religious teaching. This supervision must be given, for it is the business of government to supervise the expenditure of its funds.

It is dangerous to the church. It subjects the

church to support from the fluctuating grants made by political bodies. It causes to wither away that private support of religion which has always been the strength of religious institutions. But surely church educators can sense the danger which a long-range view points out, no matter how pressing may be budgetary imbalances. This danger is the danger found in political supervision of religious affairs.

Governments must not only constitutionally supervise that for which public funds are appropriated. It is in the very nature of government to reach out more and more in exercising such supervisory power. Were there no principle involved (and there is), the mere threat of intrusive government supervision accompanying government grants should give churchmen pause when they contemplate taking government aid in one form or another.

Concerning government grants and the supervision which must follow, note what Lieutenant-Governor Joe R. Hanley of New York State said in a speech on March 24, 1947. Speaking to representatives of local governmental units in the State of New York, he said, "Unfortunately it is a fact that neither the state nor Federal Governments can do anything *for* you without doing something *to* you at the same time. As you obtain aid from either the Federal or State Government for municipalities or divisions of government, you are bound to lose proportionally in local control. This is a fact that even the most casual observer can see in operation everywhere." [Italics ours.] We think that Lieutenant-Governor Hanley is entirely correct concerning the right of supervision demanded by those who pay the bills.

Note too what one man had to say about the danger to the church's independence, inherent in government grants. John B. Collins, writing in the Pittsburgh *Catholic* of March 17, 1938, using a medium which is the official organ of the Pittsburgh Roman Catholic Diocese, writes: "There are weighty reasons why Catholics should not seek the State contributions for the education furnished by their schools, to which, in all justice, they are entitled. These reasons have been repeatedly set forth by leaders of the church in this country. They have dictated the position taken by Catholics thus far, and their importance is strongly confirmed by recent developments. When State funds are accepted, some measure of State interference and control must also be accepted. State money for Catholic schools means close dealings with public officials; it means political connections; it means dictation regarding the manner in which the schools are to be conducted.

"Textbooks which are purchased with state funds must be books approved by the State, or rather, by the administrative officials of the moment. Even the incidental services, such as transportation of pupils, librarian, laboratory services, care of health, and similar items, in which there is now considerable cooperation with the Catholic schools by public authorities, carry a measure of interference and control which cannot be disregarded. Under favorable conditions, assistance from the public treasury is a handicap and a difficulty; under unfavorable circumstances, it can become a catastrophe.

"The entire history of the church, emphasized by recent events, shows that public funds come at too dear a price. Mexico had state aid, and so had Spain, and Germany, and Italy, and France. And it proved a weakening, demoralizing connection. Better the sacrifice of the limitations which independence requires, than the unsound edifice built on the deceptive, treacherous basis of state aid."

Finally, note now what Justice Jackson said in the case of *Wickard, Secretary of Agriculture,* v. *Filburn* concerning the necessity government is under of supervising what it supports financially. The justice said, "It is hardly lack of due process for the Government to regulate that which it subsidizes."—317 U. S. 111, 1942.

Both principle and expediency instruct the thoughtful churchman that government grants-in-aid are rarely free from strings, and less rarely remain so, and never leave the church with whole freedom to "render unto God the things that are God's."

F. H. Y.

Our Error

IN OUR LAST ISSUE we got mixed up, and we are sorry.

On page 33 we referred to Dr. Hewlett Johnson as the bishop of Birmingham. He does not hold that position. If we are rightly informed, the Rt. Rev. Ernest W. Barnes is the bishop of Birmingham, and Dr. Johnson is the dean of Canterbury, sometimes referred to as the "red dean."

NEWS and COMMENT

State Aid to Religious Education

Church and State Newsletter (compiled and circulated by Protestants and Other Americans United for Separation of Church and State) gives the Research Division of the National Education Association as its authority for saying that nineteen

States and one territory of the United States permit transportation of parochial school pupils at public expense. These States are California, Colorado, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Wyoming, and Hawaii.

It was also said that in 1946 "rental of church-owned buildings for public school purposes was permitted by Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wyoming. . . . Employment of teachers wearing religious garb was allowed in Alabama, Arkansas, Colorado, Illinois, Kansas, Maine, Michigan, Missouri, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Texas."

Sunday-closing Issue in Political Battle

THE HARRISBURG (Pa.) *Patriot* a while ago carried news concerning a primary fight. In one issue of the paper it was charged that one candidate never "opened his mouth against Sunday racing." In reply the gentleman said that he had introduced a bill for "increasing the penalties for performing worldly employment, games or diversion on Sunday," and that the measure offered "increased the penalties by 625 per cent. for the second offense; 1250 per cent. for the third offense, and 2500 per cent. for the fourth offense." The opponents answered that a vote for this gentleman would be a vote for a "wide-open Sunday."

We know nothing about either of the candidates, and we are not interested in horse racing; but we are sure that things have come to a pretty pass when a man's fitness for office rests on a religious test.

Paper Fined $7,500

SALTA, ARGENTINA, April 1.—A federal labor inspector fined the independent newspaper "El Intransigent" 30,000 pesos ($7,500) yesterday for publishing on Good Friday.—*The Tablet,* April 3, 1948.

In some places in the United States strong pressure is being exerted to have all places of business closed at least a part of Good Friday. As long as this is done voluntarily, there can be no objection. When proprietors of business places in any given city agree among themselves to do it, it is all right. But there have been hints, at least, that there should be municipal statutes enacted to bring about the closing of business on Good Friday.

We do not believe in it. We believe in Jesus Christ as the Redeemer of mankind. We believe that the significance of His sacrifice for men is not exceeded by anything else that has come to mortals. But faith in Christ—belief in His atoning sacrifice—is something to be taught by the Christian churches and accepted by individuals upon their own convictions. None of this has any rightful place in civil law.

Sunday-Law Enforcements

POLICE CHIEF CHARLES M. BERRY Saturday called a halt to auto sales on the Sabbath.

"He ordered immediate enforcement of an old city ordinance requiring auto salesrooms to remain closed on that day. The measure specifies Sunday but provides this exception:

" 'But this section shall not apply to any person who conscientiously observes any other day of the week as the Sabbath.'

"The crackdown followed a complaint of 'unfair competition' by a group of dealers. The auto men complained that they close their lots and showrooms on Sunday while competitors remain open."—Columbus (Ohio) *Dispatch,* March 27, 1948.

"Protest against sports gatherings and other forms of amusements scheduled for Sunday mornings in hours of church service has been made by members of the Barry County Ministerial association."—The Grand Rapids (Michigan) *Press,* March 9, 1948.

"The Greater New York Retail Grocers Conference charged yesterday that 10% of the grocery stores and delicatessens in the city are violating the Sunday closing law and that in many cases cops 'are being paid off' to wink at the violations.

"The charge was voiced by Bert Feldstein, chairman of the organization, after a meeting of 250 grocers in the Hotel Pennsylvania at which plans were made for an enforcement drive starting next Sunday.

"The law permits grocers to open for business on Sunday only from 7 to 10 A.M. and from 4 to 7:30 P.M. Feldstein said members of the 12 regional grocers' organizations in the city would act as volunteer agents in the drive to get evidence on violators. They will tour the city and where they find stores open illegally will make purchases and report the violations to Magistrate's Courts. . . .

"Chief Magistrate Edgar Bromberger, addressing the meeting, told the grocers the Magistrates will cooperate but that the present penalties, ranging from a $5 fine up to a maximum of $20 fine and 20 days,

are inadequate. He urged them to press for legislative amendments providing 'impressive penalties.' "—New York *Daily News,* May 10, 1948.

Sunday laws are remnants of the old blue laws. There was a time when government was called upon to enforce many religious dogmas. Happily that day is past in this country, though some religious laws remain among State statutes to give a bit of trouble.

We are wholeheartedly in favor of guaranteeing to all who labor twenty-four consecutive hours of rest each seven days. But to pick out one day and make it illegal to carry on work regardless of one's conscientious convictions in the matter is not right. We certainly do not look with favor upon any kind of labor or amusements that would interfere with the worship of those who observe Sunday. But we are afraid of Sunday laws as they are ordinarily drawn, because, whether recognized as such or not, they have a religious basis, and the state has no right to enact measures governing religion.

Elgin, Illinois, Accepts Supreme Court Decision

THE *Courier-News* of Elgin, Illinois, April 3, announced that the Elgin Council of Christian Education decided to carry out a program "in full compliance with the recent Supreme Court decision in the McCollum case."

A special committee made a report providing for "a system of dismissed time under which grade school children will be afforded an opportunity one afternoon a week to attend classes in religious instruction in various churches and community buildings, with transportation provided where required." It was promised that a high educational level would be maintained and plans were laid for the raising of funds in "the amount of $17,985."

This looks like the separation of church and state that the decision in the McCollum case demands.

Unemployment Compensation and Religious Conviction

A FRIEND IN Philadelphia has forwarded to us an action of the Unemployment Compensation Board of Review of the Commonwealth of Pennsylvania. This was furnished to him by Melvin L. Jacobs, secretary of the Board of Review. We believe a vital question is involved in this ruling.

"On August 25, 1947, the local office offered the claimant a referral to employment at Grable's Restaurant, Waynesburg, Pa., as a waitress, at a weekly salary of $18. The claimant refused to accept this referral because the position offered was inconsistent with the tenets of the religious group to which she belongs.

"The only basis asserted by claimant for refusing the proffered employment is its inconsistency with the tenets of the religious organization to which she belongs. The question thus presented is whether this is sufficient to make the work unsuitable under the Law.

"We assume that the provisions of Section 4 (t) requiring that the degree of risk to a claimant's morals be considered in determination of suitability was intended not only to afford protection directly to the worker's morals and moral reputation, but also to give effect to his moral and religious precepts and convictions regardless of their consistency with prevailing ethical standards. The latter interpretation is certainly consistent with the constitutional guarantee of freedom of thought and religion. However, in order that such principle may not become a facile means of avoiding acceptance of offered positions, we believe that the connection between the conditions pertaining to the job and the claimant's moral principles must be direct and not fanciful or nebulous. In other words, we believe that it must appear that the claimant has a fixed, definite, immutable conviction which would make the position anathema to her moral conscience. In the present case, we are not convinced that such conviction exists. At no point do we have a positive assertion from claimant that the position offered was offensive to her moral and ethical conscience. Her objection goes no further than the inconsistency existing between the position offered and tenets of the religious group to which she belongs. Obviously, there is a vast difference between belonging to a group with certain ethical and moral tenets and individually possessing the same beliefs and convictions. In view of the present state of the record, we are not convinced that any risk to morals was involved and that, insofar as this suitability factor is concerned, the work was not unsuitable.

"In other respects the work offered was not unsuitable. A reasonable opportunity to explore the labor market had been offered and the work was not below the base standard of suitability established by claimant. . . .

"ORDER

"The decision of the Referee is hereby affirmed, as modified, and credit for the period in question accordingly disallowed."

Here a woman refused to accept employment in a restaurant where liquor was served, because this was inconsistent with her religious beliefs. No question is raised as to the right of the state to license folk to sell liquor. The question is whether the state has a right to refuse compensation benefits to one whose

conscientious conviction will not allow her to handle liquor. The board tried to make a distinction between the belief of the group to which the claimant belonged and her conscientious belief. The presumption should have been on the other side, namely, that the fact that she belonged to such a group was evidence of her convictions. The further fact that she would not take the job is pretty good evidence of what her convictions were.

We believe the Board of Review erred. We think they failed to understand that in this country the conscience of the individual has been placed above the power of the state in all matters pertaining to man's relationship to God.

It is only a little while since the Supreme Court of Ohio held that an Orthodox Jewish meatcutter could not claim unemployment benefits because he refused to work on Saturday.

We hope that a case will find its way to the Supreme Court of the United States from some of these States to ascertain whether or not compensation boards are above the Constitution of the United States. We do not know anything about the intricacies of law and cannot hazard a guess about the outcome of such a test, but we would like to see it made.

Opposition to Supreme Court Decision on Released Time

FROM THE RELIGIOUS press of the country there was a good deal of criticism of the Supreme Court decision in the McCollum case. The *Christian Statesman* commented thus:

"On March 8th the U.S. Supreme Court handed down an astounding decision which if carried to its logical conclusion would bar all religion from our public schools and make them as godless as the schools of Communistic Russia. . . .

"While different views are held as to how far this decision goes, all are agreed it is a body-blow struck at the great cause of moral and religious education in our public schools. . . .

"The decision rests chiefly upon a misinterpretation of our American doctrine of the separation of church and state. 'The wall of separation between church and state' does not mean that the state is religion-less, godless, atheistic. Our state has stamped 'In God we Trust' on its coins, employs and pays for the service of chaplains in Congress and State Legislatures, and in many other ways recognizes and teaches religion. . . .

"This decision must not be allowed to stand."

The *Commonweal* of March 26 asked, "Is there no way by which communities who endorse 'released time' can save it?" and follows the same line of argument that the *Christian Statesman* used concerning other instances of the mixing of church and state in this country, saying:

"The U. S. Naval and Military Academies have compulsory religious attendance at Sunday services. All these profoundly American activities are challenged by the Supreme Court's school case judgment. There must surely be some way in which the citizens of these United States can prevent the Establishment of Atheism in the name of a few dissatisfied persons."

This same reasoning has been used by many others. To us it seems weak. Repeated violations of a principle does not prove that the violations are right. LIBERTY's position is clear concerning these things. Again and again and again we have stated our belief that the things to which both the *Christian Statesman* and the *Commonweal* refer are wrong and should be corrected. They cannot be legitimately used as an excuse for allowing other things to go on.

In an essay James Madison touched on chaplaincies, and his words are worth repeating:

"Is the appointment of Chaplains of the two Houses of Congress consistent with the Constitution, and with the pure principle of religious freedom?

"In strictness the answer on both points must be in the negative. The Constitution of the U.S. forbids everything like an establishment of a national religion. The law appointing Chaplains establishes a religious worship for the national representatives, to be performed by ministers of religion, elected by a majority of them; and these are to be paid out of the national taxes. Does not this involve the principle of a national establishment applicable to a provision for a religious worship for the Constituent as well as of the Representative Body, approved by the majority and conducted by ministers of religion paid by the entire nation?

"The establishment of the Chaplainship to Congress is a palpable violation of equal rights as well as of Constitutional principles. The tenets of the Chaplain elected shut the door of worship against the members whose creeds and consciences forbid a participation in that of the majority. To say nothing of other sects, this is the case with that of Roman Catholics and Quakers who have always had numbers in one or both of the Legislative branches. Could a Catholic clergyman ever hope to be appointed a Chaplain? To say that his religious principles are obnoxious or that his sect is small, is to lift the veil at once and exhibit in its naked deformity the doctrine that religious truth is to be tested by numbers, or that the major sects have a right to govern the minor.

"If Religion consist in voluntary acts of individuals, singly or voluntarily associated, and if it be proper that public functionaries, as well as their

constituents, should discharge their religious duties, let them, like their constituents, do so at their own expense. How small a contribution from each member of Congress would suffice for the purpose! . . .

"Better also to disarm in the same way the precedent of Chaplainships for the army and navy, than erect them into a political authority in matters of Religion. The object of this establishment is seducing; the motive to it is laudable. But is it not safer to adhere to a right principle, and trust to its consequences, than confide in the reasoning, however specious, in favor of a wrong one?"

Religious Garb in Public Schools

America, April 24, in an editorial entitled "Protestant Ministers in Public Schools," charges Protestants and Other Americans United for Separation of Church and State with being unduly alarmed because in certain places nuns wearing their distinctive garb are teaching in the public schools of the country. *America* says this situation "has existed for fifty or more years without creating union of Church and State," and says that the situation "was brought about by responsible public school authorities because in no other way could they provide teachers for the children in their charge." It asks if it is "unconstitutional for nuns to teach in public school; then what about the many more numerous Protestant ministers teaching in public schools all week and officiating in Protestant pulpits on Sunday?" Reference is made to Missouri, and it is charged that "two-thirds of the counties in Missouri hire ordained ministers to teach in their public schools." It is further asserted that this condition exists in "many more States." The editorial ends thus:

"Are the public schools Protestant? Certainly not constitutionally. Well, then, Catholics themselves might profitably beat a few bushes and come up with court actions here and there to confront 'Protestants United' with the logical consequences of their anti-nun bills."

Our Sunday Visitor, another Catholic paper, of May 9, in a front-page editorial entitled "Nuns in Public Schools," says:

"In New Mexico and North Dakota, where the chief agitation is on against the continuance of Catholic Sisters teaching in the public schools, very few lay teachers could be found who would want the Sisters' jobs. The schools are located, for the most part, in out of the way places. Critics do not tell the people that, in most cases, the school is actually not public school property, but was built by the Catholics themselves. It was accepted by the few non-Catholics in the community, because there would be no other school to attend unless it were erected with money contributed from the outside. If a duplicate school were erected who would attend it? Certainly so few that the employment of lay teachers would not be warranted.

"Where the Sisters teach it is purely a *local arrangement* approved by the vast majority of the community's people."

Two or three observations may be permitted. There can be no objection to Catholics teaching in the public schools. Any Catholic citizen has as much right to look forward to employment as a teacher in tax-supported schools as any Protestant has. But the wearing of a distinctive clerical garb exercises an influence in behalf of the church that has no place in the public school system. There have been decisions by the courts that recognize this to be true. There have also been court opinions which held that no principle was violated by permitting nuns to wear their distinctive garb while teaching in the public schools. The question at issue at the present time is not whether nuns may teach in the public schools; it is a question of whether they may wear their religious garb and do so.

Some time ago a legislator in Missouri introduced a measure to prevent both those belonging to Catholic religious orders and Protestant ministers from teaching in the public schools of that State, but the bill got nowhere. It should be remarked here that most Protestant ministers do not wear distinctive garb.

In a case decided some time ago in North Dakota the highest court of that State said that "the wearing of the religious habit described in the evidence does not convert the school into a sectarian school or create sectarian control within the purview of the Constitution."

We have been informed that at the primary election held in that State on June 29, 1948, the following initiated measure was on the ballot:

"Section 1. No teacher in any public school in this state shall wear in said school or while engaged in the performance of his or her duties as such teacher any dress or garb indicating the fact that such teacher is a member of, or an adherent of, any religious order, sect, or denomination.

"Section 2. Any public school teacher who shall violate any of the provisions of this act shall have his or her certificate suspended by the State Superintendent of Public Instruction for one year, and upon the conviction of such teacher for a second such offense, his or her teacher's certificate shall be permanently revoked and annulled by the State Superintendent of Public Instruction as provided for by law.

"Section 3. All acts or parts of acts in conflict herewith are hereby repealed."

Baptists Establish More Parochial Schools

THREE SOUTHERN CALIFORNIA Baptist day schools will be added to the three other local day schools operated by that denomination, beginning next September, it was announced yesterday by C. Rowan Lunsford, director of Christian education for the Los Angeles Baptist City Mission Society, affiliated agency of the Northern Baptist Convention. . . .

" 'The unprecedented action of local Baptist churches in establishing their own elementary schools is the result of a system of public education which, by law, cannot include a vital, positive Christian influence upon its pupils,' said Mr. Lunsford.

" 'In spite of the religious convictions of many public school officials, the American classroom cannot, under its principle of separation of church and state, exert the kind of moral and spiritual influence so desperately needed today in preparing our youth for the stress and strain of modern civilization,' he said."—Los Angeles *Times,* April 7, 1948.

Bulgaria and Rumania Close Parochial Schools

THE *Christian Century* is authority for the statement that "first Bulgaria and now Rumania have decreed that parochial schools must close. The latter nation has 2,000 of these schools, Protestant as well as Roman Catholic. In both countries such schools formerly received government funds."

LIBERTY has repeatedly said that it is dangerous for the church to take money from the state. We think the above report helps to prove that we have been right.

Pakistan and Religious Liberty

A GENTLEMAN WHO HOLDS a post with the government of Pakistan furnished LIBERTY with copies of some of the debates of the Constituent Assembly of Pakistan which were held last year.

On August 11 Quaid-i-Azam Mohammad Ali Jinnah, the president, gave an address acknowledging the honor of being elected the first president of the assembly. Speaking of his sincere desire that all groups —Muslims, Hindus, Sikhs, Christians, Jews, and minority sects should live together in peace, and assuring his hearers that the government of Pakistan would endeavor to deal fairly with all, he expressed this hope:

"Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."

If men in every nation could learn to recognize the rights of every man to his own particular religious belief, and believe that, regardless of the large variety of opinions in such matters, people could be united as loyal citizens of a nation, a great deal of trouble would be avoided. Such a plan would give no place for religious statutes to be enacted by civil authorities.

Mr. Jinnah's hope for Pakistan could well be our hope for the United States. If Pakistan will keep religious matters out of civil enactments, a way will be pointed out for many others to follow.

Adventists Oppose Public Aid

ONE RELIGIOUS DENOMINATION which operates more than 900 parochial schools in the United States but which opposes any program of public aid to such schools is the Seventh Day Adventists.

Pointing out that their schools, mostly of elementary grades, would stand to benefit from such a program, attorneys for the General Conference of Seventh Day Adventists nevertheless filed a brief in the recent Champaign, Ill., religious education case arguing that the Constitution "forbids state support, financial or otherwise, of religion, in any guise, form or degree," and that this "includes religious training and teaching."—*Christian Science Monitor,* April 14, 1948.

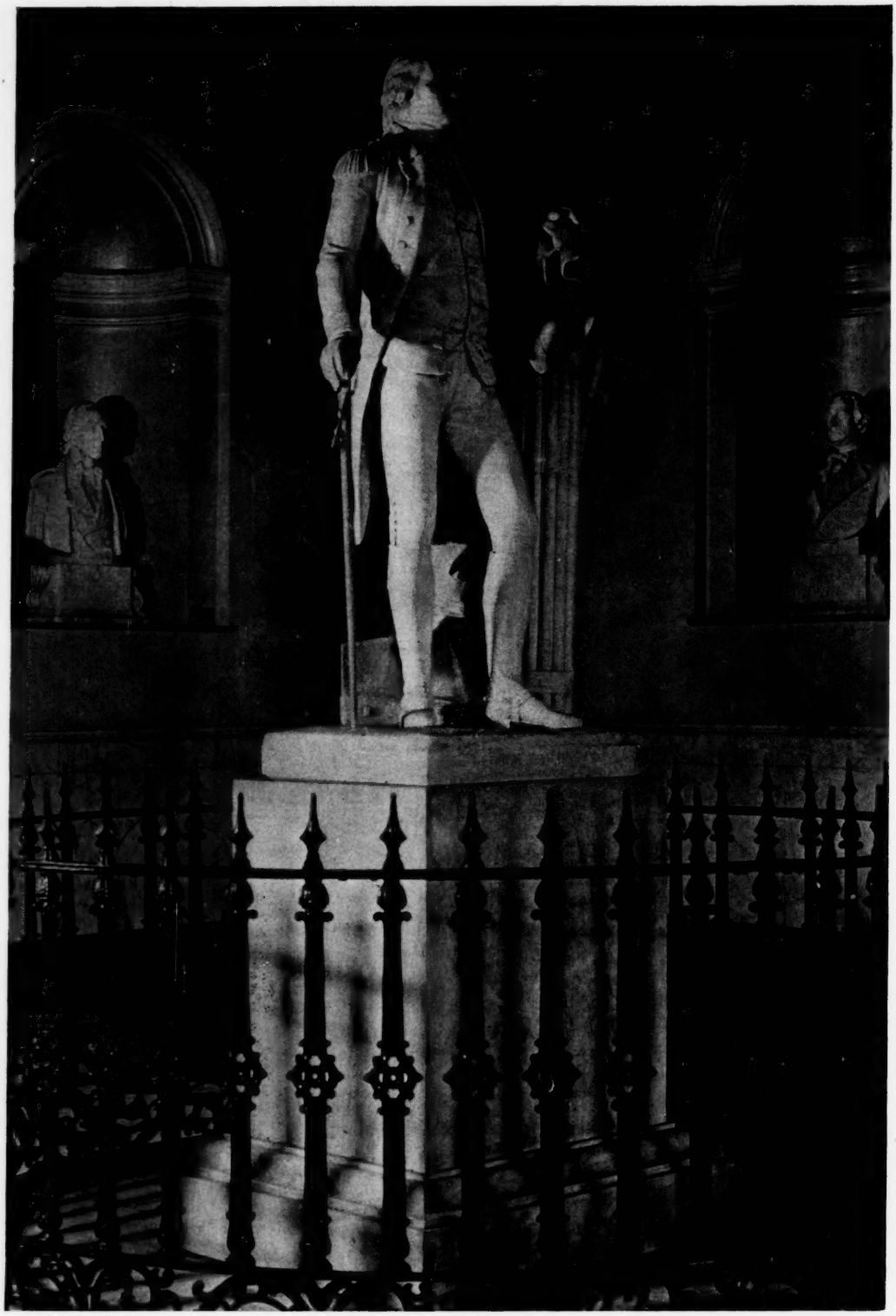
Bible Reading in California Public Schools

NEWSPAPER CLIPPINGS sent to us from California seem to indicate that the proposal which has been made to amend the State Constitution to require "five minutes of daily reading of the King James version of the Bible in public schools" is stirring up some controversy.

The Los Angeles *Times* of March 13 reported that "more than 450 Catholic priests, Protestant ministers, rabbis and leading laymen of Los Angeles churches" were invited "by the Legislative Constitutional Revision Committee" to "offer their arguments in favor of the reading of the Bible in public schools."

The same paper, in its issue of April 4, reported that at a meeting held in the State Building the day before, opposition was offered by a representative of the Christian Scientists, a man from the Jewish Community Council, and a woman who described herself as a Quaker.

It is proposed to read the King James version of the Bible "in a non-sectarian manner."



EWING GALLOWAY, N.Y.

Houdon's Famous Statue of George Washington in the State Capitol at Richmond, Virginia